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PARASHAT HASHAVUA

PARASHAT BEHAR

Four Mitzvot of Counting (Part I)

By Rav Elchanan Samet

A. TWO WAYS OF DIVIDING THE PARASHOT

The division of the Torah into a three-year cycle of "sedarim," which was practiced in Eretz Yisrael from Mishnaic and Talmudic times up until the period of the Geonim, created units that were more uniform than the "parashot" of the annual cycle that developed in Babylonia (and which we follow today). Let us examine the division in the case of parashat Behar.

The division of parashat Behar into three parts is logical. The first seder (section), up to 25:13, contains a definition of the Jubilee year and its principal laws, built on the foundation of the laws of the land's "rest" (shemitta year). The two other sections (25:14-34, and 25:35-26:2, which is the end of parashat Behar) address the economic ramifications of the Jubilee year on two spheres: transactions involving real estate (land and houses), and the purchase of slaves.

The only aspect of this division that arouses a question is the location of the beginning of the first section: it is to be found not at the beginning of parashat Behar, but rather at the end of parashat Emor. Most of the sources that list the three-year cycle of Torah readings designate the beginning of this section at 23:9 – "And God spoke... When you come to the land... and reap its harvest..." – i.e., in the middle of the parasha about the festivals. The most puzzling thing is that this section "interrupts" both the parasha of the festivals and the laws of the Jubilee. Why, then, was the ancient division of Torah readings established in this way?

The answer becomes immediately apparent when we compare the beginning of this seder and its conclusion. Near the beginning of the seder, the Torah discusses the counting of seven weeks until the fiftieth day, which is to be called a "holy convocation" when "meleket avoda" (labor of work) is forbidden. Near the end of the seder, we find a similar "counting" – that of seven cycles of seven years until the fiftieth year, which is to be sanctified, with a declaration of freedom for the land and a cessation of agricultural activities:

COUNTING OF DAYS UNTIL THE BRINGING OF THE "TWO LOAVES":

(23:15) "And you shall count for yourselves from the day after the festival...

seven complete weeks shall there be.

(16) Until the day after the completion of seven weeks you shall count fifty days, and you shall offer...

(21) And on that very day shall you call a holy convocation

it shall be for you;

you shall not perform any labor of work."

COUNTING OF YEARS UNTIL THE JUBILEE:

(25:8) "And you shall count for yourself seven cycles of years;

seven years times seven.

And the seven cycles of years shall be for you
Forty-nine years: And you shall sound...

(10) And you shall sanctify the fiftieth year
and you shall declare freedom in the land...

(11) You shall not sow, nor shall you reap..."

What does this obvious parallel come to teach us about each of the two countings in its own right, and about the connection between them?

The counting from the beginning of the harvest until the festival that occurs at its conclusion is addressed in one other place in the Torah – in the parasha of the festivals in Sefer Devarim (16:9-10):

"Seven weeks shall you count, from when you begin to put the sickle to the standing corn shall you begin to count seven weeks. And you shall make a festival of weeks for the Lord your God..."

Aside from these two "countings" – counting towards the festival of Shavuot, and counting towards the Jubilee year – the Torah mentions two others that resemble one another: the counting of the "zav" and the "zava" (men and women experiencing abnormal fluid discharges) towards their ritual purification.

(Vayikra 15:13) "When the 'zav' is cleansed of his issue, he shall count himself seven days for his purification, and he shall wash his clothes and wash his flesh in running water, and he shall be purified."

(verse 28) "And if she [the 'zava'] is cleansed of her issue then she shall count herself seven days, and thereafter she shall be purified."

Today's shiur will address the intention of the Torah in each of the places where the concept of "counting" is mentioned, and the way in which this counting is to be carried out according to Halakha.

B. THE "OMER" AND THE OTHER COUNTINGS

Out of the four "countings" commanded in the Torah, only the counting of the "omer" – the period leading up to the festival of Shavuot – is actually observed today, in accordance with the literal text. This counting is listed as a positive mitzva by the various codifiers of the mitzvot, and its laws are detailed in the Gemara (Menachot 65a-66a) and in early and later authorities. The mitzva is observed by counting verbally, each night throughout this period, the number of days and the number of weeks that have passed since the day of the "bringing of the Omer," with a blessing recited prior to the actual count.

Early and later commentators alike have discussed why the counting of the Omer is different from the other countings in the Torah, and in this regard they have also debated whether the way in which this counting is carried out arises from the literal text itself. Ibn Ezra (23:15) comments as follows:

"Were it not for the tradition, it would appear that the counting of these days is like the years of the Jubilee."

It is clear to Ibn Ezra that the counting of the years towards the Jubilee is not carried out verbally and preceded with a blessing, and the Omer likewise, to his view, does not obligate a verbal

count. It is the rabbinical tradition that has ruled that the counting of the Omer is to be fulfilled in this way.

The Ramban has a similar view of this verse:

"The reason for [the formulation of the commandment] 'You shall count for yourselves' is like that of (23:40), 'You shall take for yourselves...' [concerning the four species on Sukkot]: that the counting and the taking should be done by each individual, numbering aloud and keeping track, in accordance with the tradition of our Sages. This is not so concerning [the commandments of counting of] the 'zav' and 'zava'... nor 'you shall count for yourself' referring to the Jubilee, where [the intention is that] one should take care to keep track of them and not to forget [but there is no requirement to actually count verbally]."

This being the case, the Ramban agrees that the counting of "numbering aloud and keeping track" is not explicitly commanded in the verse, but rather is a "tradition of the Sages."

Among later commentators, Rav Hoffmann writes as follows on the same verse:

"It appears to me that there is no need to recite a blessing [on the counting] for the Jubilee, for according to the literal text the command 'You shall count for yourselves' (referring to the Omer) does not imply a verbal count, but rather a keeping track [of the number of days], as is required of the 'zav' and the 'zava.' It is only through the rabbinical tradition that we know that here, concerning the counting of the Omer, one is to count with a precise, verbally recited formulation, which is not the case... concerning the Jubilee."

C. COUNTING OF THE JUBILEE

What was clear to these commentators regarding the counting of the years towards the Jubilee – i.e., that there is no mitzva to count verbally – was not at all clear to other commentators and halakhic authorities, who maintained the opposite. The most prominent among these – the Rambam – lists the mitzva of counting the years to the Jubilee in his Sefer Ha-mitzvot (positive commandment #140):

"We are commanded to count the years... seven times seven years up until the Jubilee year. And this mitzva (i.e., counting shemitta years) is the responsibility of the Beit Din, i.e., the Great Sanhedrin; it is they who count each year of the fifty in the same way that each individual counts the days of the Omer... and it involves counting the years separately as well as counting the shemitta cycles together with them."

The Rambam learns this law – that the Jubilee years are to be counted by the Beit Din "in the same way that each individual counts the days of the Omer" - from the Sifra on parashat Behar. The verse reads, "And you shall count for yourself SEVEN CYCLES ('shabbatot') OF YEARS, SEVEN YEARS seven times." The Rambam understands the Sifra to derive from this wording that one must count both years and shemitta cycles, similar to the way we count days and weeks in the Omer.

From the Rambam's discussion of counting the Omer in his Sefer Ha-mitzvot (positive commandment #161), it seems that the laws of counting the years towards the Jubilee are the basis for the laws of counting the Omer. The Rambam chooses to base the laws of counting the Omer upon the laws of counting the Jubilee years for one simple reason: the dual obligation of counting the Omer by days and by weeks, verbally, is quoted in

the Gemara (Menachot 66a) as being deduced by Abbaye, who was an Amora of the fourth generation. However, the similar laws of counting the Jubilee years have their source in the earlier teachings of the Tannaim in the Sifra, and therefore they should be regarded as the basis for the teachings of the Amoraim concerning the counting of the Omer.

D. COUNTING ALOUD

Would the Rambam, and the large camp of those who share his opinion in this regard, support the views quoted in section B. above, according to which it is only "rabbinical tradition" that turned the counting of the Omer and the counting of the years towards Jubilee into an actual verbal count? Would they, too, agree that the literal text prescribes only a calculation of the weeks and years, with a view to observing the festival of Shavuot and the Jubilee year at their respective appointed time?

Firstly, we must distinguish between two possible arguments by the "literalists." One is that the "countings" in the Torah, according to a literal understanding of the text, are not mitzvot at all, but rather an illustrative description of the way in which we may know the proper time of Shavuot or of the Jubilee year.

Such an argument is unacceptable, for it stands in direct contradiction to the style of the verses, which are formulated unequivocally in the imperative. Concerning the Omer we are told:

"AND YOU SHALL COUNT FOR YOURSELVES from the day after the festival... until the day after the seventh complete week SHALL YOU COUNT... Seven weeks SHALL YOU COUNT FOR YOURSELF, from the time that you begin to put the sickle to the standing corn SHALL YOU BEGIN TO COUNT...."

Had the Torah merely wanted to tell us that Shavuot falls on the fiftieth day of the Omer, it could have formulated it in a simpler way: "Seven weeks after the sickle is put to the standing corn shall you make the festival of Shavuot," etc. Similarly, concerning the Jubilee, we are told, "AND YOU SHALL COUNT FOR YOURSELF seven cycles of years...." Had the Torah wished only to give an "accounting description" of the time of the Jubilee, it could have said, "Following seven cycles of years that will be forty-nine years for you, you shall sound the shofar...." The repeated use of expressions based on the root "s-f-r" in the imperative case cannot be understood in any way other than as an outright demand, not as a description or as advice.

Further proof that in these sources the Torah means to command a counting, rather than to illustrate the keeping track of a calculation, is that there are other places in the Torah that require a calculation, and in those cases the matter is not presented in the form of counting. An outstanding example is provided by the laws of the impurity of a woman who has given birth, in chapter 12 of Vayikra: if she has given birth to a boy then she is impure for seven days, "and thirty days and three days shall she remain in the blood of her purification." If she bore a girl, she is impure for two weeks, "and sixty days and six days shall she remain in the blood of her purification." Despite the complexity of the numbers and the lengthy duration of time, the Torah explains this process with no reference to or use of the term "counting." Hence we may conclude that there is no need for counting in the case of a mother who has given birth.

Even so, the "literalists" would respond, there is an alternative argument: assuming that the counting is indeed a mitzva in both of the sources addressed here, as the style of the verses would suggest, why should we conclude that this counting must be done specifically by means of verbal

expression? The Torah's intention is that we should take care and pay attention to the number of days and weeks leading up to the day of bringing the two loaves – the festival of Shavuot, and similarly to the number of years and shemitta cycles leading up to the Jubilee year, in order that these will take place at the proper times.

How, then, are these mitzvot of counting to be fulfilled? "In one's heart," the literalists would reply. But a counting of units of time over an extended period is not compatible with the typical mitzvot obligating the heart – such as love of God, or fear of Him. Mere thought is not sufficient: a mitzva of counting, such as these, must be accompanied by some external act, ensuring one's consciousness of time and its continuity in order that the counting not become mixed up.

"Well then," they could still claim, "what about counting in writing?" This question is actually addressed in responsa by Rabbi Akiva Eiger (#29-32), and there is room to consider that such a counting may indeed fulfill the obligation.

But in the verses that command the counting, in the two places discussed, there is an additional phenomenon, indicating that the counting must in fact be done specifically in verbal form. The verses prescribe a dual counting: both small units (days or years) and larger units (weeks or shemitta years). The simultaneous counting of different units of time is not a matter for mental calculation, but rather requires explicit verbal expression. And the teachings of the Sages, both in the Sifra and in Menachot, are built around this idea, and present the mitzva of counting as a double verbal expression of two timetables.

Thus we may say that the halakhic framework presented by Chazal for the mitzvot of counting the Omer and counting the years leading up to the Jubilee arise directly from the literal text itself.

E. THE COUNTING OF THE ZAV AND ZAVA – HOW?

Thus far we have discussed only two out of the four countings that are commanded in the Torah. What is the status of the countings by the zav and the zava?

Unlike the counting of the Jubilee, concerning which the discussion in the sources is not practical Halakha (since the Jubilee ceased to be observed long before Chazal and the Rishonim began to discuss it), the law of purification of the zava is still observed today (since we are stringent and treat every menstruant as a zava). And here – as every woman knows – there is no tradition that the seven days of purification must be observed by means of a verbal count. Why not? After all, in the verses discussing the zav and the zava the Torah uses the term "counting" in the imperative: "AND HE SHALL COUNT FOR HIMSELF seven days for his purification..."; "AND SHE SHALL COUNT FOR HERSELF seven days, and thereafter she shall be purified"! If there were no command here, the law of the zava should have been formulated like that of the metzora, without mention of counting (14:8-9), "And he shall dwell outside of his tent for seven days, and it shall be on the seventh day... and he shall wash his flesh in water and he shall be purified."

Indeed, there are some who would require the zava to count the days of her purification by means of an explicit numbering, as we shall see below. In Ketubot (72a) we find a statement by the Amora Rav Chinena bar Kahana, in the name of Shemuel:

"From where do we learn that a woman who is 'nidda' must count to herself? 'And she shall count for herself seven days' - 'for herself,' i.e., to herself."

This statement serves, in this sugya, as a source for the husband relying on his wife when it comes to her nidda status, but the language itself would imply that the woman who is waiting seven days for her purification must actually count these seven days to herself. The Tosafot ask,

"Why does the zava not recite a blessing for her counting, as one recites a blessing for counting the Omer, for here to it is written, 'she shall count'?"

In the writings of the Rishonim, the "blessing for the counting" is sometimes identified with the actual verbal counting itself. Therefore, we may interpret the question of the Tosafot in two ways: a.) Since the literal text of the Gemara would suggest that the woman must count to herself, why is it that the zava does not in fact count verbally, as we do when we count the Omer? b.) The literal reading of the Gemara would imply that the woman must count, and it is clear that women must count verbally. Why, then, was no blessing instituted for this counting?

The Tosafot provide the following answer:

"We must say: A blessing is recited only for the Jubilee counting, and it is recited by the Beit Din every year, for this counting will always proceed in the proper order, and likewise the Omer. But [this is not the case] in the case of a zava - if she sees [blood] it will contradict [her counting thus far, and will then have to start a new count of seven days], so she should not count."

From the final words of the Tosafot – "she should not count" – it would seem to appear that the question concerned the actual verbal counting, and the answer is that the zava should not count the seven days at all. But then the reason is not clear: why does the fact that "if she sees blood, she will contradict her counting" nullify the need to count these days?

Therefore, it seems that the Tosafot means that "she should not count" WITH A BLESSING, in which case the reasoning is clear. Since the conclusion of the counting is not up to the woman, since "if she sees [blood] it will contradict [her counting]," she should not recite a blessing over the counting of the days, in order that this not become a "berakha le-vatala" (a vain blessing, entailing an unnecessary or unlawful mention of God's Name) if she is later forced to start her count anew. According to this explanation of the Tosafot, the zava must in fact count verbally the seven days of purification. This is the conclusion drawn by R. Yeshaya Horowitz in his "Shenei Luchot ha-Berit" (Sha'ar ha-Otiot, 101a in the Amsterdam edition). [A number of Rishonim adopt a position similar to this, some based on the Tosafot and some independently. See the discussion by R. Yerucham Fishel Perlow, Commentary to R. Saadia Gaon's Sefer Ha-mitzvot, p. 795.]

The words of the "Shelah" (Shnei Luchot Ha-Berit) are discussed at length in the works of later halakhic authorities, and most reject his position. It seems that one of the main reasons for this is that there is no Jewish tradition of such a counting. As the Shelah himself testifies, his wife did not practice such a counting herself until her husband advised her to do so. And in truth, Jewish women throughout the generations have not made a verbal count – neither before the time of the Shelah nor thereafter (except for those who follow his teachings).

Hence, we return to the question of how the countings of the zav and zava are different from the counting of the Omer and of the Jubilee. Several differences between these two types of counting are apparent:

- A. The length of time to be counted: seven days as opposed to fifty days or fifty years.

- B. Complexity of the counting: units of time of a single, uniform type, as opposed to counting two sets of time units.
- C. Purpose of the counting: a personal counting related to a private aim (the purification of the one who is counting), as opposed to a communal counting by the entire nation (Omer) or by its authorized representatives (Jubilee) leading towards a public, national event.
- D. Security of continuity of the time counted: the counting of the zav and zava may be undermined – they may return to the state they were in prior to the beginning of their count.

Do any – or all – of these differences provide a reason as to why the zava does not make an explicit, verbal count?

The Ramban (23:15) maintains that it is the third difference listed above that is the key:

"And the reason for the Torah saying, 'and you shall count for yourselves' (concerning the Omer) is ... that one should count verbally and keep track of his count, in accordance with the tradition of our Sages. But this is not so in the case of 'and he shall count for himself' and 'and she shall count for herself' concerning the zav and zava, for if they wish to, they may remain in their state of ritual impurity; only they must not forget it."

The son of the Noda Bi-Yehuda, in a gloss to father's responsum (2nd ed., #124), poses the following question on the Ramban:

"I am puzzled by the words of the Ramban, for according to what he says, even the immersion [of the zav and zava in the mikve for purification after the seven days] is not a mitzva... for if they wish to remain ritually impure, they may do so. But the Rambam lists immersion in the waters of the mikve as a positive commandment... so it must be that the mitzva is as follows: if we wish to become purified, then we must do so by means of the mikve, as is set down explicitly in the Rambam (Sefer Ha-mitzvot, positive commandment #109). If this is so, then the counting, too, is a mitzva, for if he wishes to become purified, then his purification process is by means of counting and immersion... So just as immersion is counted as a positive mitzva, so the counting should be too."

The answer he provides to his own question brings us to a definition of the mitzva of counting in every place where it occurs. The son of the Noda Bi-Yehuda perceives the counting as part of the process of purification; it is a ritual utterance that represents a precondition for purification, just like the immersion in the mikve. But it is difficult to accept such a contention.

The "literalists" (quoted in section B. above) are correct in maintaining that the purpose of the counting is to clarify the date for a certain action or of a certain occasion; the counting is never an independent ritual whose purpose is simply the utterance itself. Even if we believe that the most basic understanding of the counting is that it is a mitzva requiring a verbal utterance, ultimately this mitzva serves as preparation for another mitzva, which is the purpose of the counting: the celebration of Shavuot, or the sanctification of the Jubilee year.

Hence, the Ramban must be interpreted literally: it is not reasonable that the process of purification of the zav and the zava includes a mitzva to count seven days towards their purification. Counting is always an instruction for a person to calculate precisely the date when he must perform a certain obligation; what would be the point of warning a person to

calculate carefully and count days towards an act that he isn't obliged to perform? It is enough for the zav and zava to know that following seven days from the day when the reason for their impurity ceased, they may be purified if they so wish.

There is an additional reason why it would not be logical for the Torah to command the counting of these seven days: a timeframe of only seven days does not require a calculation and counting by means of an act – even if the purpose of the counting is really a mitzva. Thus, the Torah does not instruct us to count six days in order to be able to sanctify the Shabbat, nor to count seven days after a male child is born in order to circumcise him on the eighth day.

If this is so, then why does the Torah specifically command, "And he shall count," "And she shall count," concerning the zav and zava, while no such instruction applies to the metzora and other situations of impurity? It would seem that there is some intention behind this special instruction; if it can't be referring to an explicit, verbal counting, then what is its intent?

The Torah is apparently commanding the zav and the zava to live with an "active consciousness" of the days going by until their purification. This consciousness of time must be that these seven days are "seven clean days," i.e., that they see no further emission that would again render them impure. This requires special attention, and even an active examination. In this sense, the zav and zava are distinct from the metzora, who dwells passively outside of his tent for seven days, with nothing required of him until the seventh day arrives.

The Shulchan Arukh (Yoreh De'ah 196:4) rules thus concerning the zava:

"On each of the seven days of counting, she should preferably examine herself... and some say that [after the fact, if she did not do so] she must at least have examined on the first day of the seven and on the seventh, and there is no room for leniency in this."

The source of this law is to be found in the Mishna and Gemara (Nidda 68b):

"A zav and a zava who examined themselves on the first day and found themselves to be pure, and on the seventh day and found themselves to be pure, and on the intervening days did not examine themselves – Rabbi Eliezer rules: They are assumed to be pure."

In the Gemara, the halakha is established in accordance with Rabbi Eliezer, but even according to his lenient opinion in this Mishna it is clear that the zav and zava are ideally meant to examine themselves on each of the seven days, as set down in the Shulchan Arukh.

The "time consciousness" required of the zava during those seven clean days led later halakhic authorities to rule that:

"A woman counted two or three of the seven clean days, and thereafter her husband traveled to some far-off place, with the understanding that he would not be returning home for a while, and the wife therefore forgot to continue counting. The husband then returned from his journey, arriving before the seventh day of her seven clean days. We rule strictly in this case, i.e., she cannot join the previous days that she counted (to her counting of the seventh day now); she must count seven clean days anew." (Taharat Yisrael, 196:3:20, based upon responsa of later authorities)

This woman examined herself properly at the beginning of the seven clean days and at the end, but nevertheless – since she forgot about counting the clean days between the beginning and the end, she has not fulfilled the Torah's command that she "COUNT FOR HERSELF seven days" in the sense explained above, and therefore she must start again.

[This shiur will be continued next week.]

(Translated by Kaeren Fish.

Four Mitzvot of Counting (Part II) The Omer

(continued from last week)

F. WHY DO WE COUNT THE OMER?

As we discussed last week, the Torah commands us to count the days and weeks of the Omer in order that the entire nation, and each individual, will know when the festival of Shavuot is to be celebrated. The mitzva is therefore one of clarification and calculation towards a date that depends upon our counting. Even after this clarification turned into a mitzva that is performed in a daily religious ceremony, the fundamental nature of the mitzva remains the same: a technical clarification.

This perception of Sefirat ha-Omer is of great importance for an understanding of the literal intention of the text and the most basic reason for the mitzva, as well as the laws that are deduced from this basic reason. Below we shall examine the ramifications of this perception in each of these areas.

i.

(23:16) "Until the day after the seventh complete week SHALL YOU COUNT FIFTY DAYS, and you shall offer a new 'mincha' sacrifice to God."

The Tosefot (Menachot 65b) pose the following question: "But are we not counting only forty-nine days?" Several answers are proposed by the Rishonim, but that of the Ramban (on verse 15) seems to address most directly the literal meaning of the text:

"The number of days from the day of the 'wave offering' (omer) until the day of the 'holy convocation' (Shavuot) is identical to the number of years from the [beginning of the first cycle of] Shemitta until the Jubilee. And their reason is [likewise] identical, and for this reason [the Torah says,] "You shall count fifty days" - i.e., that one should count seven weeks, forty-nine days, AND THEN SANCTIFY THE FIFTIETH DAY ARRIVED AT BY THIS COUNTING, as we are told concerning the Jubilee."

We do count the fiftieth day and sanctify it as a "holy convocation," only there is no need to count it verbally, aloud, as we did on the previous days. In light of our previous discussion, the reason for this is clear. The counting of the fiftieth day does not represent any clarification of something that is due to follow it; this day itself is the purpose of the clarification that we have made thus far, and is thus counted by us without verbalization.

ii.

In explaining the reason for Sefirat ha-Omer, most commentators offer the same reason as Sefer ha-Chinukh (#15):

"One of the roots of the mitzva - on the literal level - is that the whole essence of Israel is the Torah... And it (the Torah) is the purpose and reason for which they were redeemed from Egypt - in order to accept the Torah at Sinai and to fulfill it... And therefore... we are commanded to count, from the day after the Pesach festival until the day upon which the Torah was given, to demonstrate in ourselves the great desire for the

great and awaited day, like a servant who looks forward and counts always towards the long-awaited time when he will go free. For the counting shows a person that all of his longing and desire is to reach that time."

This reason, and those that resemble it, are not "on the literal level," both because there is no mention anywhere in the Torah that Shavuot is the day of the giving of the Torah and because the act of counting itself is not an expression of a "great desire for a great and awaited day" in any other instance. The counting is a means to clarifying the proper time for a day that has no date other than that we will reach it by means of our counting.

iii.

In light of the reason he provides for Sefirat ha-Omer, the Sefer ha-Chinukh questions our formulation of the counting:

"Why do we count days 'of the Omer'? In other words, why do we say that such-and-such days have PASSED in our count, rather than counting such-and-such remain until the time [that we await]?"

His answer to this question is truly forced, for its assumption is incorrect. The reason for formulating the blessing in such a way that we are counting days "of the Omer" rather than "until the festival of Shavuot" is simple: Shavuot exists only as a result of our counting; we cannot count towards something that does not yet exist and will exist only when our count is complete. We must count from the starting point - from the day of the bringing of the Omer.

iv.

The Rishonim are divided as to whether Sefirat ha-Omer in our times is a biblically or rabbinically ordained mitzva. I shall not enter here into an analysis of their dispute in understanding the sugya in Menachot 66a, but I shall ask how each side perceives the mitzva.

The Ran (commenting on the Rif at the end of Massekhet Pesachim) presents the majority opinion:

"Most of the commentators agree that Sefirat ha-Omer in our times, when there is no bringing of the Omer or of the two loaves nor any sacrifice, is only of rabbinical origin, instituted as a memorial to the Temple."

If so, then the counting is simply a ritual bridge joining two sacrifices. When these sacrifices are not offered, there is no mitzva of bridging them by means of that counting.

But if the reason for the counting is to serve as the sole means of determining the date of Shavuot, we must understand this differently. The establishment and commemoration of the day of "holy convocation" is not dependent on the offering of the two loaves or on the existence of the harvest, but rather - as stated explicitly in the Torah:

(23:20) "And on that very day you shall call a holy convocation shall it be for you; you shall not do any labor of work, IT IS AN ETERNAL STATUTE IN ALL YOUR DWELLING PLACES FOR ALL GENERATIONS."

The simple understanding of this text pertains also to the counting. As the Seforno notes:

"An eternal statute in all your dwelling places' - Even though none of the sacrifices is offered in the various dwelling places in exile, THE MATTER OF COUNTING AND THE MATTER OF THE HOLY CONVOCATION DO NOT CEASE."

In truth, the latter depends on the former: without a counting, how would we know which day is to be called a "holy convocation"? And so, according to this view we must accept the position of the Rambam (Hil. Temidin 7:23-24) and the Rishonim who rule in accordance with him, that:

"It is a positive commandment to count seven whole weeks from the day of the bringing of the Omer... This commandment pertains to every Jew, IN EVERY PLACE AND IN EVERY TIME."

v.

Early and later authorities have addressed the question of why no blessing of "she-hecheyanu" is recited at the beginning of the counting (i.e., on the first night), as is customary for any mitzva that is performed for the first time in the year. Many different answers are proposed. The most accurate answer appears to be that no blessing should be recited for the clarification and preparation towards the festival of Shavuot, since we recite a blessing over the result. The blessing of "she-hecheyanu" on Shavuot itself applies also to the clarification in which we were engaged in the time leading up to the festival: the counting of the seven weeks. The Chizkuni offers this type of explanation in his commentary on verse 21:

"And since the counting of the fifty days is only for the purposes of Shavuot, the day of bringing the Omer (the beginning of the counting) is not a proper time to recite the blessing of 'she-hecheyanu.'"

vi.

The Devar Avraham (I:34), by Rabbi Avraham Duber Kahana-Shapira of Kovna, contains a fundamental responsum concerning Sefirat ha-Omer, which dovetails with the analysis in this shiur. The question posed there is:

"Someone who was in a distant place among gentiles, and was in doubt as to his count of Sefirat Ha-Omer - whether he was up to three days of the Omer or four days: may he recite a blessing and count both numbers, in order to cover the doubt? I.e., may he say, 'Today is three days, Today is four days?'"

The beginning of the answer provides a definition of the mitzva:

"On the literal level, it would appear that the essence of the counting is not that he utter the words naming the nu, but rather that he know and be consciously aware of the number that he is counting. If this is not the case, then (his action) is not called counting at all, but rather the uttering of the words of the counting. It is not actual counting."

In accordance with the above definition, there follows an explanation of the words of the Magen Avraham (Orach Chaim 489:2): "One counts only in a language that one understands, and if he does not understand Hebrew and he counted in Hebrew - he has not fulfilled the mitzva, for he does not know what he has said, and this is not called counting." The Devar Avraham then asks:

"Why does the Magen Avraham insist that he understand Hebrew (in order for his counting in Hebrew to be valid)? After all... Hallel and Kiddush and all the blessings for the mitzvot are recited in Hebrew, even if one does not understand - so why does he say that (counting in Hebrew for) Sefirat ha-Omer, specifically, requires that one understand Hebrew?"

The above explains it well: One 'reads' Hallel or 'recites' Kiddush ... and it is still called 'reading' or 'reciting' even though he has not understood... But counting... by its own definition is not a count unless the person who is counting understands the number. Otherwise, it is like a mere recitation of the words, not a counting. This is very simple.

If so, then in our case - concerning one who is muddled concerning the days of Sefira - he should certainly not count two days out of doubt. How can he say, 'Today is three days, today is four days' - what number does he mean? If he means that it is maybe three and maybe four, then this is no number at all... And likewise I

would say concerning one who was muddled during the days of Sefira and counted only one day out of doubt, thinking that perhaps it will turn out that he counted the correct number: even if it turns out that he did hit upon the correct number, he has still not fulfilled the counting because at the time of the count he did not know for sure, and this is not called counting."

By means of his definition, the author then goes on to answer the question posed by R. Zerachia ha-Levi, the Ba'al ha-Maor," at the end of Massekhet Pesachim: Why do we not count two countings outside of Israel out of doubt (as to the proper date), like the celebration of a second day of Yom Tov (including Shavuot) out of doubt? The Devar Avraham replies:

"We are, after all, quite certain as to the dates of the months (since we now have a fixed calendar and no longer rely on reports by individuals to the Beit Din as to sightings of the New Moon). (And the fact that we celebrate a second day of Yom Tov is) because it is the custom of our forefathers (who relied on receiving notice from the Beit Din as to the new month, based on eye-witness reports). The crux of the question (of the Ba'al ha-Maor) is... that we should count two countings, like (a second day of) Yom Tov because of the custom of our forefathers... But according to what we have said it would seem that we should say something else: on Yom Tov, our forefathers (who had no fixed calendar) had the custom of celebrating two days of Yom Tov out of doubt, but when it came to counting - it was impossible for them to count two countings together out of doubt, for this would not be considered counting at all. In a place and at a time when they were in doubt, no such dispensation was given, and we must assume that he did not count at all."

We may summarize by saying that Sefirat ha-Omer is not a "reading" nor an "recitation," but rather a calculation that a person must make. The regular laws applying to mitzvot of recitation and speech do not apply to it, since the speech is not the actual mitzva, but rather the external expression of the calculation and clarification that the person is performing mentally.

G. WHY DOES THE TORAH NOT SPECIFY A DATE FOR SHAVUOT?

In the previous section we noted repeatedly that the purpose of the mitzva of Sefirat ha-Omer is to calculate the proper time for the festival of Shavuot, which is dependent on this counting. At this point one may ask: does Shavuot then have no fixed date in the year? The calendar notes the date of Shavuot as the 6th of Sivan every year! What, then, is the point of counting the Omer?

A review of the parashot in the Torah dealing with the festivals reveals that nowhere is there any mention of the date of Shavuot. The date is absent both from the parasha of the festivals in Vayikra 23 and from the one in Bemidbar 28-29 - the two parashot that designate the dates of all the other festivals. When does this festival fall? The Torah gives a clear answer, in two different places: in Vayikra 23 the date is determined as the fiftieth day after bringing the Omer offering, and in Devarim 16 it is determined as following seven weeks after the beginning of the harvest. Since the Omer is the "beginning of your harvest," and since the day that comes after seven weeks that have been counted is the fiftieth day, the two parashot identify the date of Shavuot as the same day.

But how do we know the date of Shavuot - the date marked on the calendar as the 6th of Sivan?

The answer is related to two teachings by Torah sages, the one quite ancient, the other a later innovation. The more ancient teaching is one that establishes the date

of the bringing of the Omer "on the day after the festival (literally, 'the Shabbat')" as being the day after the first day of the festival of Matzot - the 16th of Nissan. This by itself does not yet cause Shavuot to fall on a fixed day, as we learn in a baraita (Rosh Hashana 6b):

"Rav Shemaya taught: Shavuot falls sometimes on the 5th, sometimes on the 6th, and sometimes on the 7th. How is this so? If both (Nissan and Iyar) are full months (30 days) - then it falls on the 5th (of Sivan); if both are 'lacking' (29 days), then it falls on the 7th; if one is full and the other is lacking, it falls on the 6th."

Thus, so long as the months were established and sanctified on the basis of eye-witness reports, Shavuot could occur on any one of three dates.

But the establishment of the fixed calendar - a later innovation from the time of the Amoraim - made Nissan always a full month and Iyar always lacking, such that Shavuot always falls on the 6th of Sivan.

In these circumstances, Sefirat ha-Omer loses the crux of its reason, and the counting becomes, in the minds of many, an unintelligible ritual. Throughout the generations, explanations have been offered to assuage this alienation: they explained the counting as an expression of our longing for the day KNOWN IN ADVANCE, the 6th of Sivan, which - according to one of the opinions in the sugya in Massekhet Shabbat (86b-88a) - is the day of the giving of the Torah. Obviously, this was not the original reason for the counting when Shavuot did not have a fixed date, but rather depended on the conclusion of the counting on the fiftieth day.

Hence, the question is posed by the commentators: why does the Torah not establish a precise date for Shavuot, as it does concerning all the other festivals, but rather makes it dependent on the counting of fifty days? Even in the days when the New Moon was sanctified by the Beit Din, its date could be the 5th, 6th or 7th of Sivan. Why did the Torah not establish its date as one of these three, and save the need for counting?

In the commentary of Rabbi Yehuda HeChassid on Vayikra 23:16, we find an interesting reason:

"Why does the Torah make Shavuot dependent on counting, in contrast to the other festivals? [R. Yehuda HeChassid] explained that it is because on Pesach, Rosh Hashana and Sukkot everyone is at home and knows when the 15th of Nissan is, and knows whether the previous month was full or lacking (i.e., knew when there was a New Moon). But when it comes to Shavuot everyone is busy with winnowing and harvesting and all the other agricultural activities; who would tell all the rural population whether Iyar had been a full month or lacking? Therefore the Torah says: Remember the day of Pesach, when you made your pilgrimage to Jerusalem, and at night, when you harvested the Omer - (the inhabitants of) all the townsgather together, and it is a great public ... Therefore the Torah tells Israel: All you need to do is to count fifty days from that night of harvesting the Omer. In the morning (of the 16th of Nissan) each person would start to make his way home (from Jerusalem) and would remember the day of his journeying, and would remember when the fifty days were up."

This reason is condensed in the long commentary of the Tur on the Torah:

"And you shall count for yourselves' - There are some who explain the reason for Sefirat Ha-Omer as being because these are the days of the harvest, and the people are busy; they are not at home to hear (of the New Moon) from the messengers of the Beit Din who go out, and would not know when the new month had been sanctified; therefore the Torah commands to

count. For the same reason, the counting is done at night - because in the day they are occupied."

From the explanation offered by these commentators, which is entirely compatible with Shavuot being the "festival of the harvest" (Shemot 23:16), we learn that Shavuot was fixed in the consciousness of the people as falling on a certain date (6th of Sivan), and the only problem was that there was no way of notifying the people, engaged in their agricultural labor in the fields, that the new month (Sivan) had been sanctified. The counting was therefore meant to serve as a means of leading the people in the fields towards this fixed and known date. But, as discussed above, in the period when the month was sanctified by word of the eye-witnesses, the counting was not directed towards a specific date.

The simple reason for the lack of a date for Shavuot in the Torah, and for its establishment on the basis of a count of fifty days from the beginning of the harvest, is to be found in the Kuzari of Rabbi Yehuda Ha-Levi. In explaining the literal meaning of the words, "from the day after the festival (literally, 'the Shabbat')," he writes: "Even if we accept the interpretation of the Karaites for the expression, 'the day after the Shabbat' (i.e., that the Torah means Sunday), we must add: one of the judges or the kohanim or the kings... explained correctly... that this number means only to create a fifty-day period between the first fruits of the barley harvest and the first fruits of the wheat harvest, and to maintain the 'seven weeks,' which are 'seven complete weeks.'

But the fact that the Torah mentions the first day of the week is meant only as a metaphor, as if to say: if the beginning, 'from when you begin to put the sickle to the standing corn,' is on the first day of the week, then you will reach the end of your count on the first day of the week as well. Thus, we may conclude that if the beginning is on the second day of the week, then we shall count until the second day of the week (seven weeks later). BUT THE TIME OF 'BEGINNING TO PUT THE SICKLE TO THE STANDING CORN' IS UP TO US: WHENEVER WE SEE FIT TO DO SO, WE MAY BEGIN, AND WE MAY START TO COUNT FROM THAT TIME.

Indeed, this time is established as the second day of Pesach, which in no way contradicts what the Torah is saying. And we are obligated to accept this setting of the date as a mitzva, for it comes from 'the place that God will choose...."

In the view of R. Yehuda Ha-Levi, the situation according to the directions of the Torah, before the early Sages determined the fixed time of the harvest to be on the 16th of Nissan, was as follows. This entire body of mitzvot, including the waving of the Omer, the counting of seven weeks and the celebration of Shavuot, was not related to Pesach or to any other date in the calendar. The starting point of the whole system was the "beginning of the harvest," and this time was not any specific date, but rather was determined by the actual, natural reality of the fields. Therefore, there is no date given in the Torah for Shavuot, for in truth it does not occur on any specific date; its date may change from year to year depending on the day we choose to begin the harvest.

Thus, Sefirat ha-Omer is the sole means of clarifying the date of Shavuot. The parallel between Sefirat ha-Omer and counting towards the Jubilee is now complete: the only way of determining the fiftieth year is by counting fifty years from the previous Jubilee. A Jubilee cannot be determined on the basis of the year (5763, for instance), for no such count existed in the Torah. Thus, the only way the Torah could instruct us to sanctify the fiftieth year is to command that fifty years

be counted from the time of our entering the land, and thereafter from one Jubilee to the next.

An ongoing count of years such as the one we employ - 5763 since "the creation of the world," or "the count of the documents (shetarot)" employed by the medievals - did not exist in the Torah, but some type calendar certainly did. The festivals are noted in the Torah according to their dates. Concerning the fifty days of the harvest, beginning with the offering of the Omer and concluding with the offering of the two loaves, no dates apply. They are not anchored in the calendar, but rather in the annually-renewed decision as to when they will begin. Therefore, when the Torah comes to determine the date of Shavuot, it can only make it dependent on the counting of fifty days from the beginning of the harvest, just as the counting of the Jubilee.

I devoted a previous shiur on parashat Emor (5760) to an examination of R. Yehuda Ha-Levi's approach, and I shall not elaborate further here. The mitzva of Sefirat ha-Omer in the Torah, in its literal understanding, is the most powerful proof for the truth of R. Yehuda Ha-Levi's view. On each evening of the Sefira period, when the congregation gathers in the synagogue for the Ma'ariv prayer and for the counting ceremony, they are demonstrating that even now - when Halakha has determined the beginning of the harvest as falling on a fixed date, and the calendar determines that Shavuot falls on a fixed date - the literal understanding of the Torah nevertheless teaches that Shavuot depends entirely on our count, regardless of what the calendar might say.

(Translated by Kaeren Fish.

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