



## Torah She'b'chsav Does Not Mention that Chag HaShavuos Is the Day of Matan Torah to Emphasize that the Joy of Matan Torah Relates Exclusively to Torah She'b'al Peh

Chag HaShavuos approaches auspiciously. Our blessed sages teach us explicitly that the Torah was given to Yisrael on Chag HaShavuos. As we learn in the Gemara (Pesachim 68b): “הכל מודים בעצרת דבעינן נמי לכם, מאי טעמא יום שניתנה בו תורה הוא” — **all authorities concede that on Atzeres, we also require “lachem.” What is the reason? It is the day on which the Torah was given.** Rashi provides the following clarification: “דבעינן נמי לכם, שישמח בו במאכל ומשתה, להראות שנוח ומקובל יום זה” — **it is essential to celebrate on this festival with food and drink—to demonstrate that Yisrael are content and pleased that the Torah was given to us on this day.** [Note: In the Talmud, Shavuos is referred to as “Atzeres”; “lachem” implies that we indulge in worldly pleasures.]

In light of this fact, it is truly surprising that throughout Torah she'b'chsav only three appellations are associated with the festival of Shavuos. In parshas Mishpatim (Shemos 23, 16), it is called “חג הקציר”—**the Harvest Festival**. In parshas Pinchas (Bamidbar 28, 26), it is called “יום הביכורים”—**the Day of the First Fruits**. In parshas Re'eh (Devarim 16, 10), it is called “חג שבועות”—**the Festival of Weeks**. Nowhere in Torah she'b'chsav is it referred to as “זמן מתן תורתנו”—**the time of the giving of our Torah**. This appears to be an egregious omission. After all, the world was created for the sake of the Torah.

### An Explanation from the Rivash

We will begin to shed some light on the subject by introducing a wonderful explanation in the Responsa of the Rivash (96), which can be categorized as “pshat”—plain and

straightforward. It should be noted that the determination of the date of Chag HaShavuos differs from all of the other holidays. Whereas the Torah specified that Pesach be celebrated on the 15<sup>th</sup> of Nissan, and Chag HaSuccos be celebrated on the 15<sup>th</sup> of Tishrei, the Torah does not specify a date for the celebration of Shavuos. Instead, it is determined based on the bringing of the “omer” (Vayikra 23, 15): “וספרתם לכם ממחרת השבת מיום הביאכם את עומר התנופה שבע שבתות תמימות תהיינה, עד ממחרת השבת השביעית” — **You shall count for yourselves—from the morrow of the Shabbas, from the day when you bring the “omer” of the waving—seven weeks, they shall be complete. Until the morrow of the seventh week you shall count, fifty days; and you shall offer a new meal-offering (minchah) to Hashem.**

While the Beis HaMikdash was still extant, and even afterwards as long as there was an established, authorized Beis Din in Eretz Yisrael (Rambam, Hilchos Kiddush HaChodesh 5,1), Rosh Chodesh was determined by the testimony of witnesses seeing the new moon; there was not a fixed calendar. Thus, Chag HaShavuos did not always fall on the 6<sup>th</sup> of Sivan, the day we designate as “zman matan Toraseinu.” Here is a pertinent passage from the Gemara (R.H. 6b):

“עצרת, פעמים חמשה, פעמים ששה, פעמים שבעה. הא כיצד, שניהן מלאין חמשה, שניהן חסרין שבעה, אחד מלא ואחד חסר ששה.”

**Sometimes Shavuos fell on the 5<sup>th</sup> of Sivan, sometimes on the 6<sup>th</sup>, and sometimes on the 7<sup>th</sup>. How so? When both months (Nissan and Iyar) were full (both had 30 days), it**

**fell on the 5<sup>th</sup>; when they were both deficient** (both had only 29 days), **it fell on the 7<sup>th</sup>; when one was full and one was deficient, it fell on the 6<sup>th</sup>.**

As we know, the determination of the Shalosh Regalim from the Torah was based on the testimony of witnesses sanctifying the new month. This is the message of the passuk (Shemos 12, 2). At the time of “yetzias Mitzrayim,” HKB”H said to Moshe Rabeinu: **”החודש הזה לכם ראש חדשים”—this month shall be for you the beginning of the months.** Rashi comments: **Moshe was perplexed by the matter of the reappearance of the moon . . . so, HKB”H showed him with a finger, so to speak, the moon in the sky, and said to him, “See it like this and sanctify it.”**

Additionally, the Torah associates the Shalosh Regalim with the mitzvah of going up to the Beis HaMikdash thrice annually (Devarim 16, 16): **”שלוש פעמים בשנה יראה כל זכורך את פני ה' אלקיך במקום אשר יבחר, בחג המצות ובחג השבועות ובחג הסוכות ולא יראה ה' אלקיך—three times a year, all your all your males should appear before Hashem, your G-d, in the place that He will choose—on Chag HaMatzos, on Chag HaShavuos and on Chag HaSuccos; and he shall not appear before Hashem empty-handed.** For this reason, Torah she'b'chsav does not associate Chag HaShavuos with Matan Torah, because when the determination of Rosh Chodesh relied on eye-witness testimony, Chag HaShavuos did not always fall on the date on which the Torah was actually given.

Much of Torah she'b'al peh, however, was revealed during periods of galus. At those times, the month was not sanctified based on the testimony of witnesses before an accredited Beis Din in Eretz Yisrael. With their expertise in determining the timing of the new moon, a fixed calendar was established, in which Nissan is always full and Iyar is always deficient. Thus, the 50<sup>th</sup> day of the “omer” always falls on the 6<sup>th</sup> of Sivan, the day on which the Torah was given. Hence, our sages in the Gemara associate Chag HaShavuos with Matan Torah.

Since our famous commentaries labored to find other explanations for this omission in Torah she'b'chsav, it is evident that they were not entirely satisfied with the explanation of the Rivash. Based on our fixed calendar and our expertise in determining the precise time of the new moon, Chag HaShavuos always falls on the exact date of

Matan Torah. Clearly, this is known to HKB”H, the Giver of the Torah, Who created time. So, why did He opt not to establish a fixed date for Chag HaShavuos in the Torah?

### **Why Is There Ambiguity with Regards to the Counting of the Omer**

As it is the nature of the Torah to be elucidated in seventy different ways, I would like to present to our esteemed audience a novel explanation. First, let us explain HKB”H’s command to count the “omer” (Vayikra 23, 15): **”וספרתם לכם”** ממחרת השבת מיום הביאתכם את עומר התנופה שבע שבתות תמימות תהיינה, עד ממחרת השבת השביעית תספרו חמישים יום והקרבתם מנחה חדשה לה.” The passuk employs the ambiguous language **”ממחרת השבת”**, meaning that we are to begin counting on the day following the **Shabbas**. Rashi says that this refers to the day after the first day of Yom Tov.

This gave rise to a huge dispute in the times of the second Beis HaMikdash between the Perushim and the Tzedukim (Menachos 65a to 66a). The Tzedukim were adamant that **”ממחרת השבת”** means to bring the “omer” and begin the counting on the day after the first Shabbas following the first day of Pesach. The holy Perushim, on the other hand, argued that the words **”ממחרת השבת”** refer to the day after the first day of Pesach. The gemara presents eight proofs from tannaim disproving the interpretation of the Tzedukim (Rabbi Yochanan ben Zakai, Rabbi Eliezer, Rabbi Yehoshua, Rabbi Yishmael, Rabbi Yehudah ben Beteirah, Rabbi Yossi bar Yehudah, Rabbi Yossi, and Rabbi Shimon ben Elazar).

These eight elucidations appear to be the basis for the Rambam’s conclusion that these eight tannaim received this interpretation in Torah she'b'al peh via transmission from mouth to mouth all the way back to Moshe Rabeinu, who was taught it at Sinai. Here are the sacred words of the Rambam (Hilchos Temidim U’Mussafim 7, 11): **”אלו הטועים שיצאו מכלל ישראל בבית שני, שהן אומרין שזה שנאמר בתורה ממחרת השבת הוא שבת בראשית, ומפי השמועה למדו שאינה שבת אלא יום טוב.”** **Because of those who erred, who departed from the community of Yisrael in the era of Bayis Sheini. They maintained that the Torah’s expression: “From the day following the Shabbas” (should be understood literally, as referring to) the day of Shabbas (established at Creation).**

Nevertheless, according to the Oral Tradition, our sages learned that it is not referring to Shabbas but to Yom Tov. [And so it was the accepted practice at all times by the neviim and the Sanhedrin in every generation. They would wave the “omer” on the 16<sup>th</sup> of Nisan, whether it fell during the week or on Shabbas.]

It is worth pointing out that the Rambam specifies: **“ומפי השמועה למדו”**—that they learned via the methodology of the Oral Tradition, Torah she’b’al peh, whereby information and knowledge is transmitted from generation to generation orally, going all the way back to Moshe Rabeinu. In the words of the Rambam (Hilchos Kiddush HaChodesh 5, 1): **“ומפי השמועה למדו”**—**the Oral Tradition as passed down teacher to student, from Moshe Rabeinu (throughout the generations) interprets the passuk as follows.** Elsewhere he writes (Hilchos Mamrim 1, 2): **“דברים”**—**“שלמדו אותן מפי השמועה והם תורה שבעל פה”**—**we are obligated to heed their words whether they learned them from Torah she’b’al peh or . . .** Here, too, the Rambam is teaching us that our sages of blessed memory received this interpretation of the words **“ממחרת השבת”** via Torah she’b’al peh. Then, the tannaim proceeded to substantiate this interpretation with various Derashos of pesukim.

Notwithstanding, it is incumbent upon us to reconcile this enigma. Why did HKB”H opt to write the words **“ממחרת השבת”** in the Torah rather than **“ממחרת יום טוב”**? Then there would not have been any ambiguity and the dispute with the Tzedukim would have been avoided. And why was the true interpretation only transmitted via Torah she’b’al peh?

### Torah She’b’al Peh Is the Basis of the Covenant between HKB”H and Yisrael

It appears that we can explain the matter quite nicely by referring to what HKB”H said to Yisrael in preparation for receiving the Torah at Har Sinai (Shemos 19, 5): **“ועתה אם שמוע תשמעו בקולי ושמרתם את בריתי והייתם לי סגולה מכל העמים”**—**and now, if you hearken well to Me and you will keep My covenant, you will be a treasure (“segulah”) to Me from among all the peoples.** Rashi comments: **“And you will keep My covenant” refers to the one that I will enter into with you over observance of the Torah.**

Now, we are familiar with the teaching in the Gemara (Gittin 60b): **“לא כרת הקב”ה ברית עם ישראל אלא בשביל דברים”**—**“שבעל פה, שנאמר כי על פי הדברים האלה כרתי אתך ברית ואת ישראל”**—**HKB”H only entered into a covenant with Yisrael on account of the Oral Law, as it states (Shemos 34, 27): “For on account of these words have I entered a covenant with you and with Yisrael.”** It is evident from here that the basis of the covenant established at Matan Torah was Torah she’b’al peh. After all, there are many mitzvos in Torah she’b’chsav that are incomprehensible without the elucidations of Torah she’b’al peh employing the thirteen hermeneutic principles.

It gives me immense pleasure to now introduce a fascinating tidbit. We find a precious gem in the Responsa (Shu”t) of the Mahari Assad (O.C. 1) apropos Rabbi Yochanan’s statement: **“HKB”H only entered into a covenant with Yisrael on account of the Oral Law.”** It is commonly accepted that there are 36 masechtos in Torah she’b’al peh associated with the Talmud Bavli.

In the Derashos Chasam Sofer (Part 2, page 411, column 2), he explains why the Talmud Bavli concludes with the passage: **“תנא דבי אליהו כל השונה הלכות בכל יום מובטח לו שהוא בן עולם”**—**הבא, שנאמר הליכות עולם לו.”** **The Academy of Eliyahu taught: He who studies Torah laws (“halachos”) every day is assured that he will be an inhabitant of Olam HaBa, as it states: “The ways of the world are His (ל”ו).** This statement alludes to the fact that the world exists and endures in the merit of the study of the **ל”ו (36)** masechtos of Torah she’b’al peh. This concludes his sacred remarks.

Based on this, the Mahari Assad says: We learn in the Gemara (Berachos 5a): **“אין טוב אלא תורה”**—**there is no other than Torah** (the word **“tov”** refers exclusively to the Torah). Hence, the **36** masechtos of Torah she’b’al peh constitute **36** times **טו”ב (17)**, equaling the gematria of **ברית (612)**. This then is the allusion inherent in the passuk: **“כי על פי הדברים האלה”**—**for on account of these words.** The gematria of the word **אל”ה** is 36. Thus, the passuk can be interpreted as saying: On account of the **36** masechtos of Torah she’b’al peh (**36x17**)—**“כרתי אתך ברית”**—**I made a covenant--“ברית” (612)—with you.** This concludes his amazing insight.

## Chag HaShavuos Is Celebrated on the Actual Date of Matan Torah Only According to the Opinion of Our Blessed Sages

Following this line of reasoning, we will proceed to explain why HKB”H chose to emphasize the tremendous power of Torah she’b’al peh specifically with the mitzvah of Sefiras HaOmer. For, when He said: **”וּסְפַרְתֶּם לָכֶם מִמַּחֲרַת הַשַּׁבָּת”**—only through Torah she’b’al peh did we learn that He intended us to start counting on the day following the Yom Tov—and not necessarily on Sunday. Upon further scrutiny, it is apparent that there is a significant practical difference between the true interpretation of **”מִמַּחֲרַת הַשַּׁבָּת”** transmitted by the sages of Torah she’b’al peh—that it refers to the day after the first day of Yom Tov—and the interpretation of the Tzedukim—that it refers specifically to the Sunday after the first day of Pesach, a day that follows Shabbas.

Let us elaborate. HKB”H commanded us to always celebrate Chag HaShavuos on the fiftieth day, at the conclusion of the Sefirah. Now, if we were to follow the opinion of the Tzedukim, Chag HaShavuos would not fall consistently on a particular date. Furthermore, if, for instance, the first day of Pesach comes out on a Tuesday (or for that matter, any day of the week other than Shabbas), and we don’t start counting until the following Sunday, Chag HaShavuos, the fiftieth day, would be celebrated several days after the date of Matan Torah.

Thus, according to the opinion of the Tzedukim, there is no connection whatsoever between Shavuos and Matan Torah. This makes sense if you do not believe in Torah she’b’al peh, because then there is no simchah associated with the receiving of the Torah. According to the tradition transmitted by Chazal, however, that **”מִמַּחֲרַת הַשַּׁבָּת”** means to start counting on the second day of Pesach, Chag HaShavuos, the fiftieth day, will always come out on the 6<sup>th</sup> of Sivan—**”zman matan Toraseinu.”** This highlights the fact that it is a day of simchah for those who believe in Torah she’b’al peh.

This, now, enlightens us as to why HKB”H did not state explicitly in Torah she’b’chsav that Chag HaShavuos is the day of Matan Torah. Had He done so, it would be impossible

to err in the interpretation of the words **”מִמַּחֲרַת הַשַּׁבָּת”**. There would be no credence to the opinion of the Tzedukim, since according to their practice, Chag HaShavuos would not necessarily fall on the date of Matan Torah. Hence, we would not need to rely on the sages to clarify the meaning of **”מִמַּחֲרַת הַשַּׁבָּת”**.

Therefore, HKB”H did not state in the Torah that Chag HaShavuos is the day of Matan Torah, so that the meaning of **”מִמַּחֲרַת הַשַּׁבָּת”** would be ambiguous and unclear. Thus, Chag HaShavuos will always coincide with Matan Torah only for those who believe in Torah she’b’al peh, the tradition transmitted orally from generation to generation dating back to Moshe Rabeinu. For, the fact that we received at Har Sinai Torah she’b’chsav along with the clarification provided by Torah she’b’al peh is the cause for great joy and celebration. In contrast, since the Tzedukim do not believe in Torah she’b’al peh, Chag HaShavuos does not coincide with Matan Torah. They are not related, because receiving the Torah is not a cause for celebration for them. On the contrary, it is a cause for great sadness, seeing as they distorted and perverted the words of the Almighty. This also explains very nicely the fact that Chag HaShavuos is **”zman matan Toraseinu”** is only mentioned in Torah she’b’al peh and supports Chazal’s contention that we are celebrating the fact that we received Torah she’b’al peh.

Notwithstanding, even in Torah she’b’chsav, HKB”H provided us with an explicit **”remez”** to Torah she’b’al peh. It is written (Vayikra 23, 15): **”וְהִקְרַבְתֶּם מִנְחָה חֲדָשָׁה לַה’;”** **”וְהִקְרַבְתֶּם מִמּוֹשְׁבוֹתֵיכֶם תְּבִיאֹ לֶחֶם תְּנוּפָה שְׁתֵּי”**—**you shall offer a new “minchah” to Hashem. From your settled places you shall bring bread of elevation, two loaves.** The Zohar hakadosh explains that we offer the two loaves on Shavuos to symbolize the two Torahs we received on that day—Torah she’b’chsav and Torah she’b’al peh: **”אורייתא דאקרי לחם דכתיב לכו לחמו בלחמי, ואגן מקרבין ביומא דחמשין דאתייהיב ביה אורייתא, לכו לחמו בלחמי. שתי הלחם תורה שבכתב ותורה שבעל פה.”** **The Torah is called bread, as it is written (Mishlei 9, 5): “Come, partake of My bread.” And we offer on the fiftieth day, on which the Torah was given, the two loaves—Torah she’b’chsav and Torah she’b’al peh.**

## The Mitzvah of Sefirah Alludes to Torah She'b'al Peh

In honor of Chag HaShavuos, “zman matan Toraseinu,” let us continue on this sacred pilgrimage. We will endeavor to explain in greater depth why HKB”H chose the mitzvas-asei of Sefiras HaOmer specifically to reveal its true, intended practice only in Torah she'b'al peh, as it was transmitted to Moshe Rabeinu at Har Sinai. For, as we have discussed, in Torah she'b'chsav it merely says: “**וספרתם לכם ממחרת השבת**”.

This ambiguous terminology introduced uncertainty and fostered the dispute between the Tzedukim and Perushim. Only thanks to Torah she'b'al peh do we know that this means to start counting on the day after the first day of Pesach and not on the day after Shabbas.

We will begin by introducing an apparent contradiction in the text that concerns the commentaries. The passuk says: **“You shall count for yourselves—from the morrow of the rest day, from the day when you bring the ‘omer’ of the waving—seven weeks, they shall be complete. Until the morrow of the seventh week you shall count fifty days; and you shall offer a new meal-offering (minchah) to Hashem.”** On the one hand, it says to count **“seven complete weeks,”** which means 49 days. Yet, subsequently, it says **“you shall count fifty days.”** Sensing this incongruity, Rashi offers the following solution: **Until the day after the completion of seven weeks, which is the 50<sup>th</sup> day, you shall count; but the limiting term “until” indicates that the 50<sup>th</sup> itself is not included.**

We find a fantastic explanation from the Kli Yakar in his sefer Ollilot Ephraim (part 2, 107). He refers to a teaching in the Gemara (R.H. 21b): **“חמישים שערי בינה נבראו בעולם, וכולן ניתנו למשה חסר אחד שנאמר ותחסרהו מעט מאלקים.”** **Fifty levels of “binah” were created in the universe, and they were all bestowed upon Moshe except for one, as it is stated (Tehillim 8, 6): “Yet You have made him only a little less than the divine.”** In other words, although the Torah encompasses 50 gates of “binah,” in reality, only 49 are accessible to us.

Let us apply this understanding to the passuk: **“You shall count for yourselves (in actuality) from the morrow of the**

**Shabbas . . . seven weeks, they shall be complete”**—49 days corresponding to the 49 gates of “binah” that were bestowed upon Yisrael; but do not think mistakenly that there are only 49 gates. In reality—**“you shall count fifty days.”** Note that here it says simply **“you shall count,”** the word **“לכם”**—**“for yourselves”**—which appeared earlier in the text is omitted. This indicates that the 50<sup>th</sup> is only counted in our minds, intellectually, acknowledging that there are 50 levels of “binah,” although the 50<sup>th</sup> is still off-limits and has not been revealed to us.

We will now also introduce what the great Rabbi Tzaddok HaKohen, zy”a, writes in Pri Tzaddik (Purim 2). He explains why Haman and Zeresh’s advisors advised him to erect a gallows 50 cubits high upon which to hang Mordechai based on the teaching in the Gemara cited above: **“Fifty levels of ‘binah’ were created in the universe.”** This suggests that Torah she'b'al peh incorporates all 50 levels of “binah.” After all, all the explanations, interpretations, and insights related to the Torah are included in Torah she'b'al peh.

Now, those reshaim perceived via their powers of tumah that in the merit of Mordechai and his leadership, Yisrael would accept Torah she'b'al peh—which incorporates 50 gates—willingly and lovingly. This is expounded in the Gemara (Shabbas 88b) in relation to the passuk in the Megillah (Esther 9, 27): **“קימו וקיבלו היהודים - קיימו מה שקיבלו כבר”**—**“the Jews fulfilled and accepted”**—they fulfilled that which they had already accepted. According to the Midrash Tanchuma (Noach 3), it is referring to the fact that they accepted Torah she'b'al peh with ahavah. Therefore, they malevolently schemed to hang Mordechai on a fifty-cubit-high gallows imbued with tumah to prevent Yisrael from acquiring the 50 gates of “binah” with its concomitant kedushah.

This illuminates for us HKB”H’s rationale for revealing this matter specifically in association with the mitzvah of Sefiras HaOmer. He commanded us to count 49 days prior to Chag HaShavuos corresponding to the 49 levels of “binah” Yisrael would be privileged to attain via Torah she'b'al peh. But: **“וספרתם לכם ממחרת השבת”**—He did not reveal the meaning of this passuk explicitly in Torah she'b'chsav but only in Torah she'b'al peh. For, the entire purpose of the 49 days of

the Sefirah is to prepare us to receive Torah she'b'al peh on Chag HaShavuos, from which we are only able to perceive and attain 49 gates of "binah."

This concurs magnificently with what we have already explained. The Tzedukim did not believe in Torah she'b'al peh. Hence, they accepted the plain meaning of the words "ממחרת השבת", indicating that the counting of the "omer" was to begin on the day after Shabbas, i.e. the first Sunday following the first day of Pesach. Accordingly, Chag HaShavuos did not necessarily coincide with the date of Matan Torah. This was

fitting, because the receiving of the Torah was not a cause for celebration for them but rather a cause for intense mourning. In contrast, the sages of the Torah received and endorsed the true interpretation of "ממחרת השבת" via Torah she'b'al peh, meaning that the counting of the "omer" is to begin on the day after Yom Tov, i.e. on the second day of Pesach. Accordingly, Chag HaShavuos always coincides with the date of Matan Torah. Thus, the genuine celebration and simchah of Chag HaShavuos is for the receiving of Torah she'b'chsav together with Torah she'b'al peh—in whose merit HKB"H entered into a covenant with Yisrael.



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