

Shavuot 3

ברשות מורי ורבותי

We will try to examine some problems, related from near or from far, to the festival of Shevuot.

First problem: the liturgical poem of מילין אקדמות

We still say today the poem before the beginning of the torah reading. Nevertheless I note that the devotion of the community is still diminishing. When I was young, although the people did probably not understand better than today, people were all standing as we do for the reading of עשרת הדברות. By the way you know that Rambam objected to the standing during the reading of some sections of the Torah because he considers that there are not more important sections than others. However Rabbi Samuel Aboab (1610-1694) rabbi of Venice, in the responsa Devar Shemuel justified the standing during the reading on Shavuot of the עשרת הדברות considering that we are standing in order to receive the עשרת הדברות as if we were standing before ה' סיני.

This poem is written in Aramic and its author is Rabbi Meir ben Yitshak Shaliah Tsibbur of Worms. He was older than Rashi and died before the tragedies of 1096. He was a noted scholar, Rashi mentions him a few times in his commentary on Nah and similarly Tossefot quotes him in Rosh-ha-Shanah. His is also mentioned in Mahzor Vitry.

The poem consists of 90 acrostic lines forming a double alphabet followed by the author's name.

In a first part the Paytan sings G'd's praise about the creation of the world and the angels for his service and the choice of the people of Israel in order them to sing his praise.

In a second part the poet reports about the dialogue between the nations with the people of Israel, dogged by misfortune in the exile and killed for the sanctification of the divine name. The nations of the world incite and instigate Israel to relinquish and to leave their faith and to assimilate to the nations. The community of Israel answers them that they still believe and hope the salvation and the redemption and all the good, which is hidden for them in the world to come.

The piyut has a particular musical setting, which can certainly claim great antiquity by its special psalmodic style of recitation in the shape of a dialogue between the reader and the community.

The celebrity of this Piyout is based on the fact that he had the unhappy privilege to be the subject of innumerable תשובות responsa because originally it was read after that the Cohen had pronounced the Birkat ha Torah and the reader had read the first sentence.

This practice, which goes back to the composition of the Piyout was questioned during the seventeenth century in Venice. Venice had the particularity to gather in one town all the Jewish communities, the German, the Spanish, the Italian and the Levantine communities. And in fact the objections were initially raised by the Sephardic community. It was not acquainted with this piyut, its origin and the way it was read. They objected this strange practice to interrupt the reading of the Torah after the first sentence, when we need at least three sentences after a benediction and even to cover the Sefer during this interruption for the reading of this piyut so that no one could imagine that it is written in the Sefer Torah.

We note that the Rishonim fully sustained the old minhag thus the ancient practice. Rabbi Abraham Klausner, Austrian Talmudist of the 14th century, deceased in about 1410 and

author of Minhagim, his pupils Maharil Rabbi Jacob ha-levi, deceased in 1427 and Rabbi Isaac Tyrna author of a book of Minhagim and the former's pupil Rabbi Israel Isserlein, the author of Terumat ha-Deshen fully sustained the ancient minhag.

Rabbi Mordekhai Jaffe, the author of the Levushim in the sixteenth century still sustained this practice. The problem was thus raised in Venice during the seventeenth century but the German rabbis still sustained the old minhag. We note that the more we progress in time, the less the Rabbis remain attached to the old minhag and seem accepting the rules of inadequate interruption. The rabbis of the seventeenth century, The Shaar Ephrayim, Elijah Rabbah, Havot Ya'ir still sustained the old minhag. We note in Shulhan Arukh that Magen Avraham in Orah Hayim 146 and Hok Ya'akov and Hagahot R. Akiba Eger, in Orah Hayim 494, still sustained the old minhag while Gra remained silent and Hatam Sofer writes היכא דנהוג נהוג אבל לכתחילה אין לנהוג כן וכך כתב בסידור מהר"י יעב"ץ כי כל מעיין בשער אפרים, סוף התשובה יראה כי כל ראיותיו הן צנומות דקות...

The truth is that these Rabbis, more remote in time did not understand the original situation. Apparently they were used at the origin to alternate the reading of the Hebrew text with the translation in Aramic and the Piyut Akdamut was in fact an introduction to the Aramic Targum. Apparently at the time of Tossafot they did no more read the Targum, only in special circumstances they did and this was the case on Shevuot and Pessah. In our Mahzorim we still find the mention of another the Piyout ארכין השם שמיא intercalated in the middle of the reading, just before the beginning of the Ten Commandments.

Finally in The responsa of Maharam, Rabbi Meir ben Barukh of Rotenburg, in the collection of response edited in Prague, Part IV, n° 59, Maharam was questioned about their minhag to intercalate between all the 10 Commandments piyoutim in Aramic called דברא.

In conclusion we see that in the original German minhag, beside all the piyutim intercalated in the prayer according to the Palestinian custom, they intercalated innumerable piyoutim in Aramic during the Torah reading and Akdamut represents the only remnant of this practice. The questions and the objections could only be raised when the original Minhag and its signification were forgotten. We must fight to maintain this unique bond with the original minhag.

Second problem: Why are we keeping two festival days of Shavuot?

In the diaspora we keep two festival days because of the order we receive from Palestine והשתא דידעינן בקביעא דירחא מאי טעמא עבדינן תרי יומי? משום דשלחו מתם: הזהירו במנהג אבותיכם בידכם, זמנין דגזרו שמדא ואתי לאקלקולי. ביצה ד:

And we find a parallel quotation in Yerushalmi, which allows us assuming who was the Palestinian Rabbi who sent this Takana.

רבי יוסי מישלח כתב להון, אף על פי שכתבנו לכם סדרי מועדות אל תשנו מנהג אבותיכם נוהי נפש: עירובין כ:

The question is thus obvious. Shavuot falls on the 50th day of the Omer and all the Jewish Diaspora of Egypt and Babylonia were aware of the date of Nisan 1 and of the exact day of Shavuot. Hence the obvious question: why are we keeping two festival days on Shavuot? The only Rishon who dealt with this question was Rambam. He wrote in HKH 3: 11 and 12.

כל מקום שהיו השלוהין מגיעין היו עושין את המועדות יום אחד ככתוב בתורה. ובמקומות הרחוקים שאין השלוהים מגיעין אליהם היו עושין שני ימים מפני הספק לפי שאינם יודעים יום שקבעו בו בית דין את החודש אי זה יום הוא.

יש מקומות שהיו מגיעין אליהם שלוחי ניסן ולא היו מגיעין להן שלוחי תשרי ומן הדין היה שיעשו פסח יום אחד שהרי הגיעו להן שלוחין וידעו באי זה יום נקבע ראש חודש. ויעשו יום טוב של חג הסוכות שני ימים שהרי לא הגיעו אליהן השלוהין. וכדי שלא לחלוק במועדות התקינו חכמים שכל מקום שאין שלוחי תשרי מגיעין שם עושין שני ימים אפילו יום טוב של עצרת.

Thus here is the key of our problem. The rule that in all places where the witnesses don't arrive in time in Tishri, they must also keep two festival days on Pessah, even if the witnesses arrived in time at Pessah is mentioned in the Talmud, it appears that the council of intercalation introduced a takana during the first half of the third century, that they should keep two festival days for Pessah. This appears clearly in the following quotation in Rosh Ha-Shannah 21a:

מכריז רבי יוחנן: כל היכא דמטו שלוחי ניסן ולא מטו שלוחי תשרי ליעבדו תרי יומי גזרה ניסן אטו תשרי.

We see thus clearly that there was a concern for uniformity. But this reference explains Pessah because of Tishri. But the case of Shavuot is quite different as Shavuot depends on Pessah and any doubt should be lifted during the 50 days. I did not find a plausible explanation in the commentaries on Rambam proposed on the site Hebrewbooks.org.

Therefore I propose you a personal explanation but the originality cannot be warranted.

We find the following quotation in תענית כ"ח: and ערכין י'.

דאמר רבי יוחנן משום רבי שמעון בן יהוצדק: שמונה עשר ימים שהיחיד גומר בהן את ההלל: שמונה ימי החג ושמונה ימי חנוכה ויום טוב הראשון של פסח ויום טוב של עצרת ובגולה עשרים ואחד תשעה ימי החג ושמונה ימי חנוכה ושני ימים טובים של פסח ושני ימים טובים של עצרת.

Tossafot noted that Hallel on the first evening of Pessah is not counted because it was recited only in the Beit ha-Miqdash and it was not an individual obligation.

Anyhow we see now that these takanot of standardization were instituted in the middle of the third century under the leadership of Rabbi Yohanan's Master, Rabbi Shimon ben Yehotsadak. Already at that time the three festivals were regulated together; there were not half measures: one day or two days for all of them.

Third problem: What is the connection between Shavuot and Matan Torah.

In the Kiddush we say את יום חג השבועות הזה, זמן מתן תורתנו.

We see thus that we establish a connection between Shavuot and Mattan Torah.

However, my late father was accustomed to explain that זמן מתן תורתנו is different than יום; it has not the same precision. We don't say with certitude that it is the day of Mattan Torah but we say that Mattan Torah happened around this day, on this day or on the following day. Indeed the Torah does not precise the exact day of Mattan Torah and doesn't establish a connection between Shavuot and Mattan Torah. We find more information about the date of Mattan Torah in the gemara Shabbat pages 86b-88a but there is a discussion between Rabbanan and Rabbi Yossi.

The conclusions seem to be the following. The Exodus, on 15 Nissan was on a Thursday and Mattan Torah was on a Shabbat, thus on the 51st day after the day of the Exodus while Shavuot is on the 50th day of the Omer or the 50th day after the first day of Pessah. We remember it by the mnemotechnic rule אָת meaning that Shavuot (Torah) is always 1 day after Pessah. This year Pessah was on Shabbat and Shavuot was on Sunday.

There are two points of dispute between Hakhamin and Rabbi Yossi:

1. Benei Yisrael arrived at Har Sinai on the 1st of Sivan. According to Hakhamim it was on a Monday because Nissan and Iyar were full months of 30 days and therefore Shabbat Mattan Torah was Sivan 6th. According to Rabbi Yossi they arrived on a Sunday because Nissan was a full month of 30 days and Iyar was a defective month of 29 days as in our present calendar, therefore Shabbat Mattan Torah was Sivan 7th.
2. The days of separation (hagbalah) began on Sivan 4th. According to Hakhamim they were Sivan 4 and 5 and the Torah was given on Shabbat 6 Sivan. According to Rabbi Yossi the days of separation were Sivan 4, 5 and 6 because Moshe added one day by own initiative and Mattan Torah was on 7 Sivan.

We see thus that Shavuot and Mattan Torah are two independent events. Shavuot did not yet exist but both events happened to be at about the same date and therefore they were put in connection and the expression זמן מתן תורתנו fits perfectly.

For this reason I was really surprised, last Shabbat, when I saw that Magen Avraham on Orah Hayyim siman 494 writes the following text:

קשה לי היאך אנו אומרים בשבועות: יום מתן תורתנו הלא קיימא לן

Having no satisfactory answer I asked the question to a forum of discussion of a group of Israeli educated people, if they knew about another reading. The best answer that I received was that Magen Avraham abbreviated the traditional text.

אמר thus Magen Avraham whose יום חג השבועות הזה, זמן מתן תורתנו. והוא קיצר בהעתקה telegraphic style is well known, made here also a confusing abbreviation.

Fourth problem: what is the connection between אסרו חג and Shavuot

In Shulhan Arukh Orah Hayyim 494.3 it writes:

אסור להתענות במוצאי חג השבועות .

In fact Shulhan Arukh is the first code to mention this practice. Rif, Rambam, Rosh and Tor do not speak about it. Beit Yossef on Tor Orah Hayyim 494 writes:

כתב האגור בסימן תרצ"ה: כתב רבי ישעיה שאסור להתענות במוצאי שבועות אפילו בזמן הזה וזהו אסרו חג, אמרה תורה עשו איסור לחג וכן כתב הרב יעקב בן חביב בספר עין יעקב בפ"ב דחגיגה אהא דמייתי התם מעשה ומת אלכסנדראי בלוד ובאו כל ישראל לספדו ולא הניחם רבי טרפון מפני שיום טיבוח היה

We see thus that Rabbi Isaiah ben Mali from Trani in Southern Italy, also called rabbi Isaiah the Elder, author of Tosafot Rid, about 1200-1260, seems to be the first halakhist to rule about the interdiction to fast on Motsae shavuot.

The notion of אסרו חג seems thus directly connected to Shavuot.

At the occasion of the three feasts, the pilgrims were offering שלמי חגיגה ועולות ראיה. And possibly שלמי שמחה. According to Beit Shamaï these individual sacrifices could not be brought on Yom Tov. Therefore, in the case of Shavuot, Beit Hillel and Beit Shamaï agreed on only one case: If Shavuot was on Shabbat, then both agreed that all the individual sacrifices connected to the feast must be brought on the following Sunday.

This day was called יום טיבוח אחר השבת. But in this case there was another problem. On this Sunday, which was also the יום טיבוח, the Saducees were keeping their Shavuot because they understood that the counting of the seven weeks began on Sunday, as they understood the text וספרתם לכם מחרת השבת. And in order to remove from the heads of the Sadducees

the Hakhamim instituted that on this special day which should be a festive day the גדול כהן should not wear his new cloths and that on this day it would be allowed to pronounce an funeral oration or to fast. If Shavuot fell on another day Beit Hillel would not accept the principle of יום טיבוה because the slaughtering of the sacrifices of the feast were already allowed on Yom Tov. Why thus this interdiction of fasting or pronouncing a funeral oration? In Magen Avraham it writes:

אסור להתענות מפני כשחל עצרת בשבת היה יום טיבוה הקורבנות אחר השבת ועיין מה שכתבתי בסימן תכ"ט שהנשים מותרות במלאכה באסרו חג.

This Magen Avraham seems very difficult. Indeed in the case mentioned by him, they were allowed fasting and pronouncing funeral orations. The Peri Megadim in the column Eshel Avraham raises this difficulty but answers that today we have no more Sadducees. This answer doesn't seem to be satisfactory. First the Christians and especially the Jewish Christians, who keep Pentecost, the 50th day on Sunday, are the modern Sadducees. Second even if we say that there are no more Sadducees, Rambam writes in Hilkhhot Mamrim, chapter 2, halakhot 2 and 3 that takanot made in order to build a fence of protection around the Torah and which were accepted by all Israel, can never be abrogated. And third, in our modern calendar, Shavuot can never be on Saturday because Pessah can never be on Friday. Therefore This Magen Avraham is difficult and we should find another justification.

In fact the text of the Gemarah Hagigah 18a to which Rabbi Jacob ibn Haviv, quoted in Beit Yossef, referred, allows finding the correct explanation. The quotation is the following:

מעשה ומת אלכסא בלוד ונכנסו כל ישראל לסופדו ולא הניחם רבי טרפון מפני שיום טוב של עצרת היה. יום טוב סלקא דעתך, אי ביום טוב מי קאתו? אלא אימא מפני שיום טיבוה היה לא קשיא כאן ביום טוב שחל להיות אחר השבת כאן ביום טוב שחל להיות בשבת. כלומר כאן במשנה ביום טוב שחל להיות בשבת ואף על פי שיש יום טיבוה אחר השבת מותר בהספד ובצום מפני הצדוקים, כאן במעשה של אלכסא ביום טוב שחל להיות אחר השבת.

And we see that Alex was buried on a weekday following Shavuot different than Sunday, and although it was not formally a יום טיבוה nevertheless Rabbi Tarfon called it a de facto יום טיבוה and forbade pronouncing a Hespel. This can be explained as follows. On Shavuot we have only one festival day and it is impossible to make all the individual sacrifices of all the pilgrims in one day. Therefore the following day even if had not the official status of Yom Tibuah, was a very busy day and it was a de facto yom tibuah and as we see that Rabbi Tarfon forbade fasting and pronouncing hesped on the day following Shavuot.

This seems a much better justification of the law of Shulhan Arukh and we see that formally this law applies only to Shavuot. The late generalization of the rules of *Isru Hag* after the three feasts and even after the second festival day in the Diaspora must be considered as a Minhag resulting from the desire not to make any difference between the three feasts. See Rema on O.H 429 at the beginning of hilkhhot Pessah about the minhag to eat and drink more on the day following Hag. It refers to B. Sukkah 45b:

לחגסור יאהעושה כל

based on the yesh omrim in Rashi. See a similar asmakhta in Yerushami about the fast in Ezra of Tishri 24 and not 23 because it was bera de moada.

I wish you a happy and healthy summer

