

Is Tanakh comprehensible without tradition? This question of course applies to all texts, and there is a sense in which the answer is always no. This is the point of the Talmudic story in which Hillel convinces a prospective proselyte to accept the Oral Torah by demonstrating to him that the alphabet could only be transmitted via tradition.<sup>1</sup> If one takes this as a complete answer, the text becomes a mnemonic rather than a genuine source of meaning.<sup>2</sup> The “meaning” of a text depends entirely on the interpretive stance one adopts, and the text itself cannot inform you of the proper stance. (All this is within an “originalist” position, i.e. all this assumes that the goal of interpretation is to rediscover the content that the author deliberately encoded in the text.)

Arguments about whether or not to accept traditional interpretations would thus come down to whether one finds the traditional hermeneutic compelling, or at least plausible. While Torah was presumed to be a unitary document, Midrash Halakhah generally passed that test (at least outside the Karaite community), as it seemed a highly reasonable was to interpret a text so blessed with both contradictions and lacunae. But in the late nineteenth century, with the available alternative of the Documentary Hypothesis, scholars and laypeople alike began finding the rabbinic legal hermeneutic increasingly implausible.

An alternative school thus arose which argued that texts in fact have objective meaning, and that Midrash Halakhah correctly decoded that meaning. In other words, it argued that a careful and sensitive reader of Scripture would recreate the rabbinic legal hermeneutic even if he/she had never been exposed to it. The most famous exponents of that school are R. Meir Levush Malbim, and Rabbi Yaakov Tzvi Mecklenburg in his *HaKetav vahaKabbalah* (“The Scripture and the Received Interpretation”), from which this week’s text is drawn.

The irony here is that Midrash Halakhah itself assumes the validity of its hermeneutic and works within it. When it was attacked, and in such a way that apparently forestalled any way to compellingly justify that hermeneutic wholesale, its defenders were forced to justify each particular reading of Midrash Halakhah on the basis of factors that the original rabbinic interpreters has no reason to mention, or perhaps to notice, as they were not formally part of their hermeneutic. Thus R. Mecklenburg often must demonstrate that one can reach the conclusions of Midrash Halakhah by entirely independent means.

There is much more to say about the following passage than I can say this week, but I do want to point out it bears particular interest in that here R. Mecklenburg is defending a Midrash Halakhah that was at the heart of the Perushi-Tzeduki debate. This is therefore one of the places where Chazal (see Menachot 66a – cf. Ibn Ezra to Vayikra 23:15), at least apparently, sought to justify their specific reading to outsiders, but R. Mecklenburg’s justifications have no connection to theirs.

Shabbat Shalom!

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<sup>1</sup> (Hieroglyphics and other “dead” orthographies have been deciphered in the past few centuries, and much code-breaking requires the same, but these efforts all work by comparing the relevant set of signifiers to a different set whose meaning is known by tradition.)

<sup>2</sup> [Thus R. S. R. Hirsch describes Torah as “lecture notes” from Sinai.]

"ממחרת השבת" – ממחרת יו"ט ראשון של פסח (רש"י מרבתינו).  
לא מצינו לשון "שבת" על המועדים, אלא "שבתון", ורק שבת בראשית ויום הכפורים נקראים שבת.  
אמנם, קרא את חג הפסח בשם שבת לפי שימי פסח הם שבעה ימים והם ימי שבוע אחד.  
והוא ט"ז ניסן (רנ"ן)

ול"נ: שנקרא יום ראשון של פסח בשם שבת ע"ש שבתת חמץ שבו  
(בירושלמי לר"מ משש שעות ולמעלה אסור מדבריהם . . . גם לדין דחיוב השבתה מן התורה הוי  
משש שעות ולמעלה, מ"מ אין השבתה צורך י"ד, דלאו בל יראה אינה רק מליל ט"ו ואילך . . .).  
והפרשה נאמרה ליוצאי מצרים, ופסח מצרים לא היה חמוצו נוהג אלא יום ראשון בלבד (בפסחים צו), ע"ד  
שאמר הכתוב "אך ביום הראשון תשביתו", א"כ ביום השני הוא יום המחרת ליום השבתת החמץ.  
מצורף לזה כי ליוצאי מצרים היה יו"ט שני של פסח בשבת, כי ביום הששי יצאו ממצרים לתנא דסדר עולם  
(שבת פח). . .

ואידי דחביבי להו ההוא יומא טובא, לכן קרא ליה להך יו"ט שבת בשם שהיה ראשון ליציאתם.  
ואין טענה ממה שקבע זמן הקרבת וספירת העומר לדורת הבאים בזמן שהיה חל בו אז שלא היו נוהגים  
השבתת חמץ רק יום ראשון לבד או שחל אז יום ט"ז ניסן ביום שבת, ואין זה זמן קבוע לדורות האחרונים  
העשוי להשתנות? כי מדרך התורה לקשר כל עניני המצות ביציאת מצרים, וגם כמה מחלקי המצות הוגבלו  
שיעורם לפי הנהוג ליוצאי מצרים אף שאין שיעור הקבוע לדורות, כמו שיעורי המדות העשויים להשתנות,  
שיעור העיסה המחייב בחלה נאמר "ראשית עריסותיכם" - שאין העיסה נתחייב בחלה אלא כדי עיסותיכם כמו  
שאתם לשים במדבר והוא עמר לגלגלת (כבעירובין סג), ככה הוגבל זמן העומר והספירה מיום שחל בו  
בצאתם ממצרים להזכיר תמיד החסד הגדול הנעשה לאבותינו בימים ההם . . .

“On the morrow of the Shabbat . . . until the morrow of the seventh Shabbat” - meaning on the day after the first holiday of Pesach (Rashi citing our Sages).

We have not found the term ‘Shabbat’ applied to the festivals [in Torah], rather ‘Shabbaton’ – only the Shabbat that memorializes Creation and Yom Kippur are called ‘Shabbat’. However, the Torah here calls the Passover holiday ‘Shabbat’ because Passover lasts seven days, which is the number of days in a week.

Thus [the morrow of the Shabbat] is the 16<sup>th</sup> of Nissan. (RN’N<sup>3</sup>)

But to me it seems that the first day of Passover is called ‘Shabbat’ because of the “shevitat chametz” [elimination of chametz] required on it,

([Although the elimination actually takes place on the day *before* Passover,]

the Yerushalmi cites Rabbi Meir as saying that the prohibition against possession of chametz from noon of the 14<sup>th</sup> is rabbinic . . . and even for we who hold that the Biblical obligation to eliminate chametz begins at noon, nonetheless the elimination is not for the sake of the fourteenth, as the prohibition “let not chametz be seen” is only from the night of the 15<sup>th</sup> on . . .)

and that this section was said to the Exodus generation, and the Passover [begun] in Egypt [immediately preceding the Exodus] included prohibition against chametz only on the first day (see Pesachim 96), following the verse “Specifically on the first day you must eliminate . . .”, so the second day was “the morrow of the day of shevitat chametz”.

Combine this with the fact that for the Exodus generation the second holiday (=7<sup>TH</sup> day) of Passover fell out on Shabbat, as they left Egypt on Friday according to the tannaitic author of Seder Olam (see Shabbat 88a) . . .

and since that holiday [the 7<sup>th</sup> day of Pesach] was very precious to them, the Torah calls that holiday [as well] ‘Shabbat’, the name it had when it was the first holiday after their exodus.<sup>4</sup>

There is no ground for objecting to the Torah establishing the times of the bringing-near and of the counting of the Omer on the basis of what happened then, when they only practiced the elimination of chametz on the first day alone, or when the 16<sup>th</sup> of Nissan fell out on Shabbat, and saying “is this not a time established for later generations that really is variable?”, because it is standard for the Torah to tie all matters of Mitzvot to the Exodus, and indeed many details of mitzvot had their dimensions bounded in accordance with the practice of the Exodus generation even though those dimensions were not fixed for all generations, as for example dimension of length [which are set on the basis of average human anatomy] even though they change, or the amount of the batch of dough necessary to be required to take Challah, where the verse says “the beginning of *your* batch of dough” - so we learn that the dough is only liable for Challah when it reaches the amount of *your* batch, meaning the amount you kneaded in the desert, namely an omer per capita (see Eiruvim 63), and in the same fashion of time of the Omer and the counting were defined on the basis of the day on which they fell during the Exodus, so as to continually memorialize the great grace that was done to our forefathers in those days . . .

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<sup>3</sup> I don’t know to whom the abbreviation refers.

<sup>4</sup> I think his argument is as follows: The Torah here identifies Shavuot as the fiftieth day after “the seventh Shabbat”. If the first day of Passover is the first Shabbat, however, as he argued above, it would turn out that Shavuot followed the eighth Shabbat! Therefore the last day of Passover must also be referred to as Shabbat, and it was the first Shabbat *within the count*, and therefore Shavuot can be described as following the seventh Shabbat. But as ‘Shabbat’ on this argument must ultimately mean ‘end of seven day period’, I don’t understand why he doesn’t just say that Shavuot falls on the day after the seventh seven day period following the first day of Passover, and not bother with his argument about the 7<sup>th</sup> day of Passover.