Keviut of the Yom Tov of Shavuot

There are two parshiot in the Torah that mention Sefirat HaOmer, and there is a significant difference between them. In Parshat Emor, the Torah says "You shall count for yourselves from the morrow of the Rest Day ... you shall count 50 days" (Vayikra 23:15-16). In Parshat Re'eh, we read, "Seven weeks you shall count for yourself" (Devarim 16:9).

Rav Soloveitchik noted an additional distinction between these two parshiot, aside from whether the unit of time to be counted is days or weeks. They also differ in terms of whether the mitzvah is directed to Beit Yisrael in the singular or in the plural form. We can understand this in light of a Beraita cited in the Gemara (Menachot 65b), which appears more fully both in the Sifra (Emor) and in the Sifrei (Re'eh): "Seven weeks you shall count for yourself" — in Beit Din [HaGadol]. And from where do we derive [the obligation of sefirah] on each individual? The Torah states, "You shall count for yourselves" — [the sefirah must be performed] by each and every individual.

The basis of this drasha is a rule quoted in the name of the Vilna Gaon (Divrei Eliyahu, p. 94). Whenever a mitzvah is repeated in the Torah, once in the singular and once in the plural, the singular form is addressed to Klal Yisrael as a whole, while the plural form devolves upon the individual. In the case of Sefirat HaOmer, the Beit Din HaGadol, which represents Klal Yisrael as a whole, fulfills the obligation upon the single unit of Klal Yisrael when it counts the seven weeks from Pesach until Shavuot. The purpose of this sefirah is to be kovea (establish) the correct day of the Yom Tov of Shavuot. As such, it is part of the more general mitzvah of keviet haLuach (establishing the calendar), which is the responsibility of the Sanhedrin. A second aspect of the mitzvah, reflected in its being repeated in the plural form, is directed to each and every individual, who should engage in a count of days during this time.

Based on this analysis, the Rav explained why the Torah calls the Yom Tov by the name sefirot haShavua — the "Holiday of the 50th Week" — and not just haShavua — the "Holiday of the 50th Day." It is because the component of sefirah that is kovea the Yom Tov is not the counting of days by each individual, but rather the counting of weeks, which Beit Din performs as part of their mandate to take responsibility for keviet haLuach.

The Rambam (Hilchot Temidin UMusafin 7:24) includes the counting of days and weeks in the mitzvah d’oraita of sefirah, even nowadays. If, as we have seen, the sefirah of weeks is a mitzvah on the Beit Din HaGadol, how could that sefirah be d’oraita nowadays, when we lack the presence of a Beit Din HaGadol?

Rav Soloveitchik explained (Shiurim LeZecher Abba Mari z”l, I, pp. 129-131, 137-139; Kovetz Chiddushei Torah, pp. 52-56) that when the Rambam holds that Kiddush haChodesh requires the authorization of the Sanhedrin (Sefer HaMitzvot, Aseh 153; Hilchot Kiddush HaChodesh 5:1-2), it is not in their capacity as the Supreme Court of the Jewish people, rendering the final legal decision on any halachic question. The Rav explained that Kiddush haChodesh does not necessarily involve a complicated psak halacha, requiring the greatest legal minds of the Jewish nation. The necessity of the involvement of the Sanhedrin here is due to its second role — its decision represents the majority opinion of the Jewish nation. In this sense, the Sanhedrin fills a role akin to that of the Congress in the United States.

The Rav elaborated by explaining that the responsibility of keviet haLuach ultimately rests upon the entity of Klal Yisrael. When there is a Beit Din HaGadol, it performs this task as the representative of Klal Yisrael. Accordingly, we understand that when the Beit Din HaGadol ceases to exist, the responsibility of keviet haLuach shifts back to Klal Yisrael. This is the basis of the d’oraita obligation, according to the Rambam, to count days and weeks. The counting of weeks by Klal Yisrael accomplishes the keviet Yom Tov of Shavuot even in the absence of a Beit Din HaGadol. [See Eretz HaTzvi, pp. 9-14, 231.]

Adapted from Rav Schachter on the Moadim.

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