



## Behar-Behukotai

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CONTENTS: Neustadter (Page 1); Bach (Page 11)

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### ***The Date of the Omer Sacrifice According to Rabbi Yehuda Halevi – an example of rabbinic re-interpretation of Torah law***

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#### **A**bstract:

Although it is generally accepted that the date of the *Omer* sacrifice in the Temple has always been the 16<sup>th</sup> of Nissan, according to some commentators Rabbi Yehuda Halevi disagrees. According to these commentators, Rabbi Yehuda Halevi understands that the original Torah law left the date of the *Omer* sacrifice to be determined each year by the beginning of the barley harvest, and the date was fixed by the Rabbis sometime during the first or second Temple periods. Rabbi Yehuda Halevi does not explain when or

why the Rabbis set a fixed date for the *Omer* sacrifice. I present here two possible explanations for when and why the Rabbis might have made such a change based on two *baraitot* in *Menachot* 65a-65b: 1) to counterprogram the *Baitusim* who claimed that the *Omer* sacrifice must always be brought on a Sunday, and 2) to enable every individual to count the *Omer* (which, according to this explanation, was previously done only by the *Sanhedrin*).

It is generally accepted that the date of the *Omer* sacrifice in the Temple has always been the 16<sup>th</sup> of Nissan. This opinion is clearly described by Rambam, for example, in *Hilchot Temidim Umusafin* chapter 7 halacha 11:

**Why was all this necessary?  
Because of those who erred who  
departed from the community  
of Israel in the**

**Second Temple era. They maintained that the Torah's expression [Leviticus 23:11](#): "From the day following the Sabbath" should be understood literally, as referring to the Sabbath of the week. Nevertheless, according to the Oral Tradition, our Sages derived that the intent is not the Sabbath, but the festival. And so, was understood at all times by the prophets and the *Sanhedrin* in every generation. They would have the *Omer* waved on the sixteenth of Nisan whether it fell during the week or on the Sabbath.<sup>1</sup>**

Rabbi Yehuda Halevi, however, according to some commentators, disagrees with this understanding. In *The Kuzari*, section 3 number 41, he proposes a scenario describing how the date of the *Omer* sacrifice became fixed to the 16<sup>th</sup> of Nisan:

Now, suppose we allow the Karaite interpretation of the sentence 'From the morrow of the Sabbath till the morrow of the Sabbath' ([Leviticus 23:11](#), [Leviticus 23:15](#), [Leviticus 23:16](#)) to refer to the

Sunday. But we reply that one of the judges, priests, or pious kings, in agreement with the Synhedrion and all Sages, found that this period was fixed with the intention of creating an interval of fifty days between 'the first fruits of the harvest of barley and the harvest of wheat,' and to observe 'seven weeks,' which are 'seven complete Sabbaths.' The first day of the week is only mentioned for argument's sake in the following manner: should the day of 'putting the sickle to the corn' be a Sunday, you count till Sunday. From this we conclude that should the beginning be on a Monday, we count till Monday. The date of putting the sickle, from which we count, is left for us to fix. This was fixed for the second day of Passover, which does not contradict the *Tōrāh*, since it originated with 'the place which the Lord shall choose' on the conditions discussed before. Perhaps this was done under the influence of divine inspiration. It was quite possible, and it saves us from the confusion of those who endeavour to cause confusion.<sup>2</sup>

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<sup>1</sup> Translated by Eliyahu Touger, from [https://www.chabad.org/library/article\\_cdo/aid/1013259/jewish/Temidin-uMusafim-Chapter-7.htm](https://www.chabad.org/library/article_cdo/aid/1013259/jewish/Temidin-uMusafim-Chapter-7.htm)

<sup>2</sup> [Judah Hallevi's Kitab Al Khazari](#), translated from the Arabic with an Introduction by Hartwig Hirschfeld Ph.D., London, George Routledge & sons, Ltd., New York: E. P Dutton & Co, 1905.

According to the literal reading of this paragraph<sup>3</sup>, the words “*mi-maharat ha-shabbat*” in the Torah literally mean Sunday, but Sunday is meant only as an example and the *Omer* can actually be brought on any day of the week. The original practice, according to Halevi, was that the *Sanhedrin* would choose the appropriate date for the *Omer* sacrifice each year according to the status of the barley harvest, and count 50 days from that day until the festival of *Shavuot*. At some point, for some reason not explained by Rabbi Yehuda Halevi, the rabbis decreed that from then on, the *Omer* sacrifice should always be brought on the 16<sup>th</sup> of Nissan. This is within their authority, as it does not contradict the Torah.<sup>4</sup>

It is important to note what this literal reading of the Kuzari disagrees with and what it does not disagree with. The *baraitot* and the *gemara* in [Menachot 65a-65b](#) accept as fact that the *halacha*

is that the *Omer* sacrifice is always brought on the 16<sup>th</sup> of *Nissan*. The literal reading of the Kuzari does **not** disagree with this *halacha*. What the literal reading of the Kuzari does disagree with is the generally accepted understanding that the literal meaning of the phrase “*mi-maharat ha-shabbat*” in the Torah is “the day after *Yom Tov*”, and that the *halacha* that the *Omer* sacrifice must always be brought on the 16<sup>th</sup> of *Nissan* dates all the way back to Moshe. Neither of these ideas are accepted as fact in the *gemara*. In fact, as pointed out by Elchanan Sammet, Rabbi Yochanan Ben Zakai himself, in the *baraita*, indicates that the verse “*mi-maharat ha-shabbat*” (the beginning of the verse that includes “seven weeks”) refers to Sunday (when *Yom Tov* falls out on *Shabbat*), and yet **halachically** we interpret it to mean the day after *Yom Tov*. Similarly, with regard to the origin of the *Omer* sacrifice being brought on the 16<sup>th</sup> of *Nissan*, one of the proofs brought in the *baraitot*

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<sup>3</sup> Since the purpose of this article is to address questions that arise from the literal reading of this paragraph in the Kuzari, for convenience I will refer to this understanding from here onward as “Rabbi Yehuda Halevi’s opinion”. However, it is not my purpose to argue that this is the correct understanding of the Kuzari, and, as noted in the following footnote, there are commentators who understand this entire paragraph as being hypothetical.

<sup>4</sup> It should be noted that this entire scenario described in the Kuzari can be understood literally, as I have described it here, or it can be understood as a hypothetical scenario brought only to point out the authority of the Sanhedrin and the prophets in determining Torah law. Two classic commentaries that are printed in the 1905 Vilna edition of the Kuzari, Kol Yehudah and Otzar Nechmad, clearly understand this scenario as hypothetical. As he explains in his introduction, the understanding of these two commentaries is the source of N. Daniel Korobkin’s note on this topic in his English translation of the Kuzari. On the

other hand, Samuel David Luzzatto and Dovid Tzvi Hoffmann, in their respective commentaries on Leviticus 23:11, both understand the literal reading of this scenario to be the opinion of Rabbi Yehuda Halevi. Elchanan Sammet and Prof. David Henshke in their respective published articles referenced later in this article also understand Rabbi Yehuda Halevi to mean this scenario literally. Yitzchak Sheilat, who translated the Kuzari from the original Arabic into Hebrew, understands this scenario literally, as indicated by his explanation in his book “*Bein HaKuzari LaRambam*” (225) and as confirmed to me in a personal communication. With regard to the ability to determine the literal vs. hypothetical understanding based on translations, it should be noted that the word “suppose”, which Hirschfeld uses to translate the original Arabic phrase that introduces this scenario, is consistent with either interpretation; the Britannica Dictionary (<https://www.britannica.com/dictionary/suppose>) defines “suppose” as either “to think of (something) as happening or being true in order to imagine what might happen” or “to believe (something) to be true”.

requires “a counting that depends upon *Beit Din*”. According to one opinion brought by the Ra’avad in his commentary on the Sifra ([Emor, chapter 12](#)), this phrase refers to the fact that it was the *Sanhedrin* who decided that “*mi-maharat ha-shabbat*” means “the day after *Yom Tov*”, implying that it is not from the time of Moshe. Thus, the opinions attributed to Rabbi Yehuda Halevi by the literal reading of this scenario, although not generally accepted opinions, not only do not conflict with ideas accepted as fact by the *gemara*, but according to some commentaries are even voiced by *tana'im* in the *baraitot*.

As pointed out by David Henshke,<sup>5</sup> Rabbi Yehuda Halevi’s opinion on this matter has been largely ignored by rabbinic authorities and commentators. Recently this opinion has been analysed and discussed independently by David Henshke and by Elchanan Sammet<sup>6</sup>. Both of them raise the questions which Rabbi Yehuda Halevi himself did not address: why the rabbis decreed a fixed date for the *Omer* sacrifice and why they chose the 16<sup>th</sup> of Nissan. Henshke and Sammet both suggest the same answer to the first question: that the *Sanhedrin* choosing a different date for the *Omer* sacrifice each year based on agricultural considerations was problematic. There was a need to inform the population of when to start counting *Sefirat HaOmer* and when to observe the festival of *Shavuot*. Sammet adds that a rabbinic decree fixing a date for the *Omer*

sacrifice is consistent with the trend of rabbinic decrees in general, which aim to specify halachic parameters left open to interpretation by the Torah law.

With regard to why the 16<sup>th</sup> of Nissan was chosen, Sammet explains that this is the first possible day for bringing the *Omer* sacrifice due to a combination of limitations: 1) *Pesach* must fall in the “*Aviv*” season, which is defined as the earliest appropriate time to harvest the barley. For this reason, the *Omer* sacrifice must be brought in the same season as *Pesach*. 2) According to the order of the festivals as described in the Torah, the *Omer* must be brought after *Pesach*. Therefore, the day after the first day of *Pesach* would be the first possible day on which the *Omer* sacrifice could be brought.

I find the explanation suggested by Henshke and Sammet for why the *Sanhedrin* decreed a fixed date for the *Omer* sacrifice unsatisfying for the following reasons:

1) With regard to the celebration of *Shavuot*, there is no problem notifying the entire nation of the date within 50 days. Such notification was standard practice with regard to the sanctification of the new month in order to notify the nation of when to celebrate the festivals.

2) With regard to knowing when to start counting *Sefirat HaOmer*, this problem is not new. The

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<sup>5</sup> David Henshke, *Megadim* Vol 14, 9-26, Sivan 5751, Tevunot Publishing, Michlelet Herzog.

<sup>6</sup> Sammet, Elchanan, Iyyunim Beparshat Hashavua, <https://www.daat.ac.il/daat/tanach/sammet/v7-2.htm>

same issue would have existed from the time the Jews entered the land of Israel, so why would the rabbis have felt the need to decree a fixed date to solve it?<sup>7</sup>

I propose two additional plausible explanations for why the rabbis fixed the date of the *Omer* sacrifice, inspired by the two *baraitot* quoted in Menachot 65a-65b. The Mishna in Menachot 65a describes the process of harvesting the *Omer* and the Gemara then quotes two *baraitot* each of which bring multiple proofs for why the *Omer* sacrifice must be brought on the day following the first day of *Pesach*. I propose that according to Rabbi Yehuda Halevi these *baraitot* not only describe sources in the Torah for why the appropriate date for the *Omer* sacrifice is the 16<sup>th</sup> of Nissan, but also why the rabbis decided to fix the date of the *Omer* sacrifice.

### Proposal #1: the *Baitusim*

The first *baraita*, quoted from *Megillat Taanit*<sup>8</sup>, begins its discussion of the date of the *Omer* sacrifice by relating the story of a debate on the subject between Rabbi Yochanan Ben Zakai and an elder of the *Baitusim*:

From the eighth [of Nissan] until the end of the festival [of Passover], the correct date for the festival of *Shavuot* was restored,

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<sup>7</sup> In theory, one could suggest that the ones who made this change lived in the time of Yehoshua, during the period when the Israelites were settling the land, but the language used by Rabbi Yehuda Halevi in the *Kuzari* does not sound like it is describing that time period. He refers to “*Sanhedrin*”

and it was decreed not to eulogize [during this period]. The *Baitusim* said that the festival of *Shavuot* is always on Sunday. Rabbi Yochana Ben Zakai joined the discussion and said to them ‘fools, from where do you know this?’. None of them responded except for one elder who prattled and said ‘*Moshe Rabbeinu* loved the Jewish people and knew that *Shavuot* was only one day so he made it always be on Sunday so that they could celebrate for two days.’ ... [Rabbi Yochanan Ben Zakai] responded ‘fool, our Torah is not like your idle chatter... one verse says 50 days and another says 7 weeks, how is it? One refers to when it falls out on the Sabbath and one refers to when it falls out on a weekday.’...

The *baraita* brings this story as the introduction to the discussion of the date of the *Omer* sacrifice. I propose that, according to Rabbi Yehuda Halevi, the *baraita* quotes this story here because this debate with the *Baitusim* was actually the motivation for the rabbinic decree fixing the date of the *Omer* sacrifice.

The Mishna in *Menachot* 65a, after describing in detail the highly vocal ceremony of the harvesting

located at “the place that God will choose,” which generally refers to the Temple Mount, implying that he is talking about the period of the first or second temple.

<sup>8</sup> [Megillat Taanit, chapter 1.](#)

of the *Omer*, states that this ceremony was performed because of the argument with the *Baitusim* over when the *Omer* should be harvested. Not all arguments with the *Baitusim* merited such a ceremony, nor, for that matter, a period of no eulogizing (commemorating the rabbis' victory) as described in the *baraita*. It seems that this particular argument with the *Baitusim* was of special significance. An analysis of what stands behind the determination of the date of the *Omer* sacrifice may shed light on the significance of this particular debate.

As is well-known, the sanctity of the Jewish festivals comes from the sanctification of the new moon, which in turn defines the days of the festivals. This is expressed in the blessing of the *Kiddush* on the festivals, which differs from that of the Sabbath. On the Sabbath we bless God "the one who sanctifies the Sabbath," but on the festivals we bless God "the one who sanctifies Israel and the festivals." This is because by sanctifying the new moon, the people of Israel, through their representatives the *Sanhedrin*, sanctify the festivals.<sup>9</sup>

*Shavuot* is different from the other festivals in that it does not have a fixed date; rather, it is defined as being 50 days after the *Omer* sacrifice. This being the case, one must ask from where its sanctification is derived, if not from a fixed date tied to the sanctification of the new moon? I suggest that if the date of the *Omer* sacrifice is fixed to a date in the Jewish month of Nissan, then

*Shavuot* is also linked to that date in the Jewish month, thus the sanctification of the festival of *Shavuot* would derive from the sanctification of the new moon at the beginning of the month of Nissan. If, however, the date of the *Omer* sacrifice is not fixed to a date in the Jewish month, the situation described by Rabbi Yehuda Halevi before the rabbinic decree, then the sanctification of *Shavuot* must derive from the *Sanhedrin* declaring the date of the *Omer* sacrifice each year, which then determines the date of *Shavuot*. This idea of the source of the sanctity of *Shavuot* and its relationship to the determination of the date of the *Omer* sacrifice and *Sefirat HaOmer* is indicated in the *baraita* itself as well, as in a comment by Netziv:

- 1) In the *baraita*, one of the proofs that the *Omer* sacrifice must be brought on the day after the first day of *Pesach* is that *Sefirat HaOmer* must be linked to a day that is determined by the *Sanhedrin*; "*sefira teluya beveit din.*"<sup>10</sup> This precludes the Sabbath, which is a day that can be known by anyone. The requirement that *Sefirat HaOmer* be linked to a day determined by the *Sanhedrin* is consistent with the need to link *Sefirat HaOmer* to the sanctification of the new moon

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<sup>9</sup> Rav Yosef Dov Soloveitchick, *Shiurim Lezecher Abba Mari z"l*, vol 2, 141.

<sup>10</sup> This is the understanding of most of the commentators, see for example Rashi, *Menachot* 65b.

in order to provide the source of the sanctification of the festival of *Shavuot* whose date is determined by *Sefirat HaOmer*<sup>11</sup>.

- 2) Netziv makes this connection explicitly in his explanation of why we need the verse of “*usefartem lachem*” to teach us that everyone is obligated in the counting of the *Omer*. He explains that otherwise, we might have thought that only the *Sanhedrin* needs to count the *Omer*:

Since the purpose of these countings [the *Omer* and counting of the years of the Jubilee cycle] is to sanctify what comes after them, the festival of *Shavuot* and the Jubilee year, and it is known that the sanctification of the festivals and the Jubilee depend on the *Beit Din Hagadol*, therefore it is logical that the counting would also be done by them.<sup>12</sup>

If the sanctification of the festival of *Shavuot* derives from it being linked to a sanctification by

the *Sanhedrin*, then the *Omer* sacrifice being linked to the first day of *Pesach* or being determined each year directly by the *Sanhedrin* based on agricultural considerations would provide the necessary sanctification. However, the *Omer* sacrifice being fixed on Sunday, as claimed by the *Baitusim*, would not provide any link to sanctification by the *Sanhedrin*. Therefore, the debate about the date of the *Omer* sacrifice is not only an argument about the date of the festival of *Shavuot*, but about whether the *Sanhedrin* is the source of the sanctification of the festivals. By insisting that the festival of *Shavuot* always falls out on Sunday because the *Omer* sacrifice is always brought on Sunday, the *Baitusim* were in effect denying the role of *Sanhedrin* in the sanctification of the festivals.<sup>13</sup>

This challenge to the *Sanhedrin's* role in the sanctification of the festivals may be the reason why the defeat of the *Baitusim* in this particular argument is both celebrated and protected via a ceremony during the *Omer* harvest as well as being commemorated by a period of no eulogizing. I suggest that according to Rabbi Yehuda Halevi, this argument with the *Baitusim* may not only be the reason for the celebration and ceremony of the *Omer* harvest, but may also be the reason the rabbis chose to fix the date of the

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<sup>11</sup> Rav Yehuda Zoldan, The counting of the years for shemittah and yovel and the counting of the omer [Hebrew], *Emunat Itecha* vol 109, Tishrei 5776, Machon Hatorah Vehaaretz. <https://asif.co.il/wpfb-file/1-33-pdf-15/>

<sup>12</sup> Netziv, [\*Ha'amek she'ela al she'iltot derav Ahai, she'ilta 107b\*](#)

<sup>13</sup> Note that the argument with the *Baitusim* is not described in the *baraita* as an argument about the date of the *Omer* sacrifice, but rather as an argument about the date of the festival of *Shavuot*.

*Omer* sacrifice in the first place.

According to Rabbi Yehuda Halevi's opinion that the date of the *Omer* sacrifice was originally determined each year by the *Sanhedrin*, the *Baitusim*'s claim that the *Omer* sacrifice must be on Sunday would have been particularly problematic for two reasons: 1) as explained above, it challenged the *Sanhedrin*'s role in the sanctification of the festivals, and 2) since according to the rabbis the *Omer* could be brought on any day, the *Baitusim* bringing it on Sunday did not conflict with the rabbis' opinion. Since there were presumably *Baitusi* priests in the Temple,<sup>14</sup> it would be very difficult for the rabbis to stop them from bringing the *Omer* on Sunday since they could not even claim that it was incorrect or not allowed. I propose that the rabbis chose to fix a date in the month for the *Omer* sacrifice so that there would be a single "correct" date on which to bring the *Omer* each year, which would not always fall on the same day of the week. This was a way to make the bringing of the *Omer* on Sunday "wrong", while still providing a source of sanctification by the *Sanhedrin* through the fixed date in the month of *Nissan*. This would enable the rabbis to more easily fight against the *Baitusim* bringing the *Omer* on Sunday. Additionally, by choosing the 16<sup>th</sup> of *Nissan*, which may be the first day when the *Omer* can possibly be brought,<sup>15</sup> they would be able to preempt the *Baitusim*, who would be waiting for the following Sunday.

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<sup>14</sup> Moshe David Herr. "Who Were the Baethusians?" *Proceedings of the World Congress of Jewish Studies* 1-20 (1977). <http://www.jstor.org/stable/23524677>.

## Proposal #2: A counting by every individual

The second *baraita* in the Gemara in *Menachot*<sup>16</sup> begins with a *drasha* from the beginning of the verse, "*usefartem lachem*", and continues with the *drasha* of "*mi-maharat ha-shabbat*" that is relevant to the topic being discussed in the Gemara:

We learned in a *beraita*: "and count for you (plural)" that the counting should be for each individual, "from the day following the Sabbath" from the day after the festival or only from the day after the Sabbath of creation?

The *baraita* then proceeds to quote multiple proofs that "from the day following the Sabbath" means the day after the festival. The fact that the *baraita* discussing the topic of the timing of the *Omer* sacrifice begins with the *drasha* teaching us the obligation of every individual to count *Sefirat HaOmer* may suggest that these two *drashot* are related. I propose that according to Rabbi Yehuda Halevi, who holds that the *drasha* about the date of the *Omer* sacrifice was a new *drasha* that changed the previous practice, so too the *drasha* teaching us the obligation of every individual to count the *Omer* was a new *drasha* that changed

<sup>15</sup> As claimed by Sammet, described above.

<sup>16</sup> Also found in [Sifra, Leviticus 23:15](#)

the previous practice. This new obligation upon every individual to count the *Omer* was actually the reason for the fixing of the date of the *Omer* sacrifice.

If, as suggested above, the sanctity of the festival of *Shavuot* comes from the *Sanhedrin* choosing the day of the *Omer* sacrifice followed by the counting of the *Omer*, it would be logical for the counting of the *Omer* itself to also be performed by the *Sanhedrin*. Additionally, there are strong similarities between the counting of the *Omer* and the counting of the years of the Jubilee, which is performed only by the *Sanhedrin*. Even the *drasha* mentioned in this *baraita*, that “and count for you (plural)” (Leviticus 23:15) implies that the counting must be performed by every individual, is not an obvious conclusion because there is another verse about *Sefirat HaOmer* which says “seven weeks count for you (singular)” (Deuteronomy 16:9), which according to the same logic would imply that *Sefirat HaOmer* is performed only by the *Sanhedrin*.<sup>17</sup> For all of these reasons, it is reasonable to suggest that originally the counting of the *Omer* was performed only by the *Sanhedrin* until at some point the rabbis decided that everyone should count *Sefirat HaOmer* and based it on the *drasha* of “*usefartem lachem*.”

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<sup>17</sup> Rav Yehuda Zoldan, “The counting of the years.” Above, n11.

<sup>18</sup> Rabbi Joseph B. Soloveitchik, [Halakhic Morality Essays on Ethics and Masorah](#), 2017, Maggid Books, Jerusalem, Israel. Chapter Avot 1:1.

Such a change would be consistent with what seems to have been one of the goals of the Men of the Great Assembly; to decentralize Torah knowledge<sup>18</sup> and Jewish practice by involving the entire nation in what was previously Temple-centered Judaism.<sup>19</sup> We see this trend in a number of areas: 1) The standardization of prayer by the Men of the Great Assembly,<sup>20</sup> which the Gemara in [Berachot 26b](#) says is parallel to the sacrifices in the Temple. Since the Men of the Great Assembly lived as early as the beginning of the second Temple period, this parallel to the sacrifices was obviously not to commemorate the past, but was apparently to include the entire nation in the sacrifices which were currently being brought in the Temple. 2) The shift in focus, implemented by Ezra, founder of the Men of the Great Assembly, from sacrifices and Temple service to the learning of Torah and the practice of the commandments, is seen in the contrast between the festivals of Tishrei as described in the book of Ezra versus the book of Nechemia.<sup>21</sup> In [Ezra chapter 3](#), before Ezra returns to Jerusalem, the festivals are described as being celebrated exclusively with sacrifices in the newly dedicated Temple. In contrast, in [Nechemia chapter 8](#), after Ezra returns, the same festivals are described as being celebrated by public teaching of Torah to the masses and public performance of the commandments found therein.

<sup>19</sup> Rav Yuval Cherlow, The books of the second Temple #5 - The character and the role of Ezra the scribe (Ezra, chapters 7-8) <https://www.youtube.com/watch?v=vL1YtyhRwqw>

<sup>20</sup> [Rashi, Berachot 26b](#)

<sup>21</sup> Elyachin Bin-Nun, The role of Ezra – Scribe or priest, <https://tinyurl.com/2scxhx35>

I propose that as part of this same trend, the Men of the Great Assembly decided that everyone should count *Sefirat HaOmer*, not just the *Sanhedrin*. This is similar to the daily prayers that they decreed in parallel to the daily sacrifices. When implementing this decree, they based it on the *drasha* of the verse “*usefartem lachem*”.<sup>22,23</sup>

If indeed *Sefirat HaOmer* was changed by the Men of the Great Assembly from being performed only by the *Sanhedrin* to being mandatory for everyone, that would explain the need for fixing the date of the *Omer* sacrifice. If everyone needs to count, then they need to know when to start counting, which is a problem if the *Sanhedrin* decide each year anew on what day to bring the *Omer* sacrifice.<sup>24</sup>

According to Rabbi Yehuda Halevi, the reason the *baraita* connects these two *drashot* might be because the author of the *baraita* believed that one led to the other. Once the Men of the Great Assembly decided that everyone should count

*Sefirat HaOmer*, they needed to fix a date for the *Omer* sacrifice so that everyone would know when to start counting.

Given the need to fix a date for the *Omer* sacrifice, they might have chosen the 16<sup>th</sup> of Nissan in order to align the festival of *Shavuot* with the traditional date of *Matan Torah*. This would be consistent with the Men of the Great Assembly’s efforts to enhance the centrality of Torah study in Judaism.<sup>25</sup>

It should be noted that while the two explanations proposed here for fixing the date of the *Omer* sacrifice could potentially be complementary, they do not coincide chronologically. The Men of the Great Assembly, who would logically have been the ones involved in the decentralization of Jewish practice, lived hundreds of years before the *Baitusim*.

Given the two reasons proposed here for the fixing of the date of the *Omer* sacrifice, one resulting from the debate with the *Baitusim* described in

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<sup>22</sup> One could even suggest that the same is true of the *drasha* “*ulekahtem*, that there should be a taking by every individual” [Succah 43a](#), namely, that originally the lulav and etrog were shaken only in the Temple (as is implied by the simple reading of the verse which concludes “and you should be joyous before God for seven days”). This was later changed when the Men of the Great Assembly decided that everyone should shake the *lulav* and *etrog* on the first day of *Succot*, based on the *drasha* of “*ulekahtem*”.

<sup>23</sup> Note that I use the term “Rabbinic decree,” but I do not mean to imply that the counting of *Sefirat HaOmer* by everyone, nor the fixed date of the *Omer* sacrifice, are Rabbinic commandments. Rather, they are Rabbinic interpretations of Torah commandments. They are examples of what Rambam describes in his introduction to *Mishneh Torah* as “And similarly, profound statutes and laws which

they did not receive from Moses, and concerning which the court of that generation judged using the *Middot* (hermeneutic rules) by which the Torah is interpreted. And those elders ruled and concluded that the law is so.”

<sup>24</sup> This is the same problem suggested by Henshke and Sammet as the reason for the fixing of the date of the *Omer* sacrifice, but unlike Henshke and Sammet, I propose that this was a new problem that resulted from the new obligation upon everyone to count the *Omer*.

<sup>25</sup> Yitzchak Sheilat, “[Bein HaKuzari LaRambam](#)”, Sheilat Publishing, Ma’aleh Adumim, Israel, 2011, 225, suggests that this might have been the reason for the fixing of the date. I propose that they had an independent need to fix the date and this is only explaining why they chose this particular date.

the first *baraita*, and one resulting from the decree that everyone should count *Sefirat HaOmer* as mentioned in the second *baraita*, it is possible that according to Rabbi Yehuda Halevi these two *baraitot* represent two opinions among the *tanna'im* as to why and when the rabbis set a fixed date for the *Omer* sacrifice.

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[Shoftim 11: Vows, Leadership, and Sacrifice](#)<sup>1</sup>  
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**F**or the first ten chapters of *Sefer Shoftim*, the stories have largely focused on *Benei Yisrael's* cycle of oppression at the hands of foreign nations, and eventual liberation by means of military victory. At first glance, the eleventh *perek* can be categorized along with the rest of these stories as a historical and political tale. However, a deeper look suggests a different interpretation.

The eleventh *perek* of *Shoftim* features *Benei Yisrael* facing a new adversary, the nation of Ammon. Lacking any semblance of military organization, the elders of *Benei Yisrael* approach Yiftah, an experienced warrior who was cruelly expelled by his half-brothers, to serve as their general ([Shoftim 11:2–5](#)). With war between the two nations imminent, Yiftah vows to God, promising that if he wins, he will offer the first

thing that passes through his door as an *olah*, an offering that is completely burnt ([11:30–31](#)). Following a swift defeat of Ammon, Yiftah returns home to find his only daughter coming out of the house to celebrate her father's victory ([11:34](#)). The *perek* concludes with Yiftah fulfilling his vow (it is unclear precisely how he fulfills it), followed by a mournful epilogue (11:39–41).

Perhaps the most striking thing about this *perek* is the lack of attention given to the war. While most of the previous stories in *Shoftim* revolve around a military conflict, the war in the eleventh *perek* takes up a mere two *pesukim* ([11:31–32](#)). Furthermore, instead of concluding the *perek* after the decisive victory, the text proceeds to discuss in detail the aftermath of Yiftah's vow. All of this points to the natural conclusion that the *perek* is not about the war. Rather, its focus seems to be more about what sets Yiftah apart from the other *Shoftim*: his vow. As such, this article will mainly explore the question of how to understand Yiftah's vow and how that reflects upon the character of Yiftah as a whole.

### Yiftah's Vow

When discussing Yiftah's vow, one question stands out. Despite also facing war, none of the other *Shoftim* made vows, yet God still helps them. This begs the question: what is the impetus for Yiftah's (seemingly unique) vow? The *pesukim* may provide the beginning of an answer.

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<sup>1</sup> An immense debt of gratitude is owed to R. Chanoch Waxman for his wisdom, patience, and guidance, without which this article would not be possible.

(30) And Yiftah made the following vow to the LORD: “If you deliver the Ammonites into my hands. (31) Then whatever comes out of the door of my house to meet me on my safe return from the Ammonites shall be the LORD’s and shall be offered by me as a burnt offering.” ([Shoftim 11:30–31](#))

Interestingly, there seems to be a clear parallel between Yiftah’s vow in *Shoftim* and Yaakov’s vow in [Bereshit 28:20](#). Firstly, both characters face imminent danger: Yaakov is fleeing for his life from his brother Esav, and Yiftah is about to go to war. Moreover, both characters invoke the classical language used in vows: in the case of Yiftah, the *pasuk* states, “And Yiftah made the following vow to the LORD” ([Shoftim 11:30](#)); in the case of Yaakov, the *pasuk* states, “And Yaakov made the following vow to the LORD” ([Bereshit 28:20](#)). Finally, both characters mention *shevut shalom* (returning safely) in their vows—Yiftah with the phrase “on my safe return” ([Shoftim 11:31](#)) and Yaakov with the phrase “and I return safe” ([Bereshit 28:20](#)). In light of these similarities, is it possible that, given Yaakov’s success, Yiftah uses Yaakov’s vow as precedent to make one of his own in a similar time of need?

Furthermore, another parallel that certainly strengthens this idea is *Benei Yisrael*’s vow prior to their war with Arad. The situation and language

used are identical.

(30) And **Yiftah** made the following vow to the LORD: “**If you deliver** the Ammonites into **my hands...**” ([Shoftim 11:30](#))

(2) **Then Israel made a vow** to the LORD and said, “**If You deliver this people into our hand**, we will proscribe their towns.” ([Bamidbar 21:2](#))

In both cases, *Benei Yisrael* face an imminent threat from the nations of Ammon and Arad, respectively. Moreover, both parties invoke the same language when making their vows and requesting delivery from the enemy, perhaps indicating some connection.

Another point that makes this more compelling stems from evidence suggesting that Yiftah was aware of this event. In his negotiations with Ammon, Yiftah delineates a detailed account of *Benei Yisrael*’s conquests before entering Israel that, in comparison to the original *pesukim* in *Bamidbar*, matches almost perfectly.<sup>2</sup> Given Yiftah’s clear knowledge of history, it is reasonable to assume he knew of the war with Arad, as it happened around the same time. Thus, it is possible to posit that Yiftah, aware of the past success of making a vow in a time of need, replicates this process in a desperate plea to secure victory over Ammon.

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<sup>2</sup> Yiftah’s delineation is found in [Shoftim 11:14–27](#).

### Righteousness or Excess Piety?

Having established a potential reason for Yiftah's vow, it is important to explore how it is formulated in the *pesukim*. When analyzing the text itself, a clear parallel develops between this story of sacrifice and the paradigmatic example of biblical sacrifice: the *Akedah* (sacrifice of Yitzhak). In his vow, Yiftah states that he will bring an *olah*: "...shall be offered by me as a burnt offering" ([Shoftim 11:31](#)). Similarly, Hashem commands Avraham to bring Yitzhak as an *olah*: "...offer him there as a burnt offering" ([Bereshit 22:2](#)). Furthermore, both Yiftah's daughter and Yitzhak are identified as only children: regarding Yiftah's daughter, "beside her he had neither son nor daughter" ([Shoftim 11:34](#)); and regarding Yitzhak, "your [Avraham's] only son" ([Bereshit 22:2](#)). Finally, both stories feature the child calling to the father, *avi* (my father), possibly marking the point when both children comprehend their looming fate.<sup>3</sup> Given the similar nature of the stories, it can be asked: why does one end in tragedy while the other does not?

At first glance, one critical difference stands out: in the story of the *Akedah*, Hashem commands

Avraham to sacrifice Yitzhak, while Yiftah, on the other hand, chooses to sacrifice his daughter on his own accord. However, did Yiftah truly choose to sacrifice his daughter!? He intended to sacrifice an animal, assuming that it would be an animal, not his daughter, to walk through the door! While this is a valid approach to understanding the *perek*—reading the story as a tragic coincidence that warns against ambiguous speech—there are various reasons to reject it.<sup>4</sup> Firstly, there is no mention in the *perek* of Yiftah owning any farmland or animals. Moreover, even if Yiftah did own animals, he explicitly states "from the door of my house" ([Shoftim 11:31](#)). It is quite unusual for one to keep livestock inside their house, suggesting a potentially darker reading of the *perek*: Yiftah intended to sacrifice the first member of his household he saw.

Ultimately, even if one claims that Yiftah did not initially intend to sacrifice a person, it remains true that Yiftah made a choice to do so. This is proven from the following question asked by certain commentaries: Why does Yiftah not perform *hatarat nedarim*,<sup>5</sup> a halakhic mechanism that allows for the undoing of certain vows?<sup>6</sup> Had he

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<sup>3</sup> After receiving the terrible news, Yiftah's daughter's reply begins: "And she said to him, 'My father'" (11:36). In similar fashion, after collecting the wood and knife for the sacrifice, Yitzhak remarks as follows: "Then Isaac said to his father Avraham, 'Father!'" ([Bereshit 22:7](#)). He then proceeds to inquire as to where the sheep are that they are going to sacrifice.

<sup>4</sup> The Gemara on [Ta'anit 4a](#) seemingly takes this approach.

<sup>5</sup> There is a debate in [Bereshit Rabbah 60:3](#) as to whether Yiftah's vow takes effect to begin with. R. Yohanan holds that the vow did indeed take effect and that he is required to pay his daughter's monetary value. Resh Lakish states he is not required to pay anything, seemingly holding that since the vow is against the Torah's laws it does not take effect.

<sup>6</sup> [Malbim](#) on [Shoftim 11:35](#). *Da'at Mikra* (to 11:35, s.v. *lashuv*) explains that back then they were very stringent regarding vows and rarely undid them.

done so, he would not have been bound to his vow—he could have prevented himself from being forced to kill his daughter. To answer this, it is necessary to explain a crucial condition needed to enact *hatarat nedarim*: one must wish they had never made the vow in the first place. Clearly, Yiftah must have not regretted making the vow—perhaps fearing the possibility that they would have lost the war otherwise—and he is therefore unable to perform *hatarat nedarim*.<sup>7</sup> In essence, Yiftah chooses *Benei Yisrael's* victory over his daughter's life.

Thus, the *perek* can be understood as a vitriolic criticism of Yiftah's choice. While military triumph is desirable, *nothing* can justify the heinous act of human sacrifice. This fits very nicely with the *Akedah* parallel, as commentaries propose that the whole purpose of the *Akedah* is to distinguish between the pagans who valued human sacrifice and the God of Israel, who detests it.<sup>8</sup> Accordingly, Yiftah's flaw is misunderstanding the story of the *Akedah* and viewing human sacrifice as a legitimate form of worship instead of the abhorrent act it is. This reading fits particularly well with the text. The mention of the “so it became a custom” (11:39) that follows the death of Yiftah's daughter functions as a nationwide ban on human sacrifice.<sup>9</sup> The mournful tone of the end

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<sup>7</sup> [Malbim](#) on *Shoftim* 11:36, s.v. *va-tomer eilav*.

<sup>8</sup> [R. Samson Raphael Hirsch](#), *Bereshit* 22:2–10; R. Abraham Isaac Kook, *Olat Re'iyah*; R. Jonathan Sacks in his [article](#) “The Binding of Isaac” makes this argument as well. Another understanding of the *Akedah* that may have interesting implications on how we understand the story of Yiftah is R. Joseph B. Soloveitchik's in “[Majesty and Humility](#).”

of the *perek* reflects the nature of the story as a tragedy of overpiety and a misconception of God's will. In addition, the words of the prophet Yirmiyahu nicely complement this understanding of the narrative's message:

(31) And they have built the shrines of Topheth in the Valley of Ben-hinnom **to burn their sons and daughters in fire—which I never commanded, which never came to My mind.** ([Yirmiyahu 7:31](#))

Within this first reading, it is possible that the *perek* is not only an individual criticism of Yiftah but also a critique of the state of the nation as a whole. During the times of Moshe, clear standards existed as to what was valid divine worship and what was not. However, during the time period of the *Shoftim*, the line between these two is blurred, which attests to spiritual and moral decline.<sup>10</sup>

A second approach exists within the framework of the *Akedah* parallel that, unlike the first, praises Yiftah's ultimate dedication and sacrifice. Instead of an aberration, Yiftah's vow represents the ultimate altruistic act, saving the nation from decimation at the hands of Ammon. Here, the *Akedah* parallel exists to elevate Yiftah. If Avraham

<sup>9</sup> This is the opinion of [Rashi](#) (on *Shoftim* 11:39, s.v. *va-tehi hok*). He adds that *va-tehi hok* is also introducing the custom mentioned in the next *pasuk*, and the two verses are read continuously.

<sup>10</sup> *Da'at Mikra* (to *Shoftim* 11:39, s.v. *va-ya'as la*).

is held in such high regard for being *willing* to sacrifice his only child, then surely Yiftah, who goes through with sacrificing his child, should be held in even higher regard! In this reading, the only thing that matters is utter devotion to God, while the means by which one expresses that devotion is irrelevant. Thus, Yiftah's actions become not only justified but also righteous and praiseworthy. Admittedly, this approach proves difficult to fit within the text. Although the "so it became a custom" (11:39) can be combined with the next *pasuk* to refer to the young girls who would annually visit in memory of Yiftah's daughter, the *perek's* doleful epilogue nonetheless seems to frame the whole *perek* as a tragedy, rendering this reading unlikely.

That is not to say that the first approach possesses no flaws. Indeed, both explanations fail to address several difficulties in the *perek*. In particular, one enigma is the strange language found toward the end of the *perek*. While Yiftah vows to sacrifice whatever appears from his house as an *olah* (burnt offering), his daughter "bewails her maidenhood" (11:31; 37). If she is about to die as Yiftah's vow suggests, she should be crying for her life, not her maidenhood. Similarly, the specific mention that "she had never known a man" seems odd, given her tragic fate (11:41). This ambiguity certainly requires some clarification,<sup>11</sup> which neither approach provides on its own.<sup>12</sup>

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<sup>11</sup> An additional difficulty raised by Radak and Malbim is the fact that at the end of the *perek*, it says, "He did to her as he had vowed..." (*Shoftim* 11:39) instead of remaining consistent and stating that Yiftah offered her up as an *olah*.

Another weakness of these approaches is that, while the *perek* includes Yiftah's backstory as well as a lengthy account of the negotiations with Ammon and the elders—which together form the majority of the *perek*—there is, from the perspectives proposed up until this point, no natural connection between the proposed ethos of the *perek* and its other components. Given these difficulties, there may be room to suggest an additional approach to understanding the *perek*.

### The Lone Wolf

The *perek* opens by describing Yiftah's difficult childhood. Born a bastard, he is chased away by his brothers who do not accept him as family. Following his banishment, he settles in a separate, isolated land where other "empty" people exiled by society join him (11:1–3). Yiftah's life embodies what it means to be an outsider. He is alone and alienated by those around him. As a result, Yiftah develops a strong sense of independence. With no family or nation to rely on, Yiftah is forced to become completely self-reliant. This mentality ultimately defines his character throughout the rest of the *perek*.

Some time after his challenging upbringing, the elders of *Benei Yisrael* ask Yiftah to be their general. It is apparent from Yiftah's reaction to their request that he harbors negative feelings toward them:

<sup>12</sup> One solution is to say that "her maidenhood" (*Shoftim* 11:31) is symbolic of her life being cut short, and the *pesukim* simply express her early death in poetic terms.

(7) Yiftah replied to the elders of Gilead, **“You are the very people who rejected me and drove me out of my father’s house. How can you come to me now when you are in trouble?”** ([11:7](#))

Despite being banished by his half-brothers, Yiftah indignantly confronts the elders over his past treatment. Clearly Yiftah is resentful of their inaction, as they stood idly by while he was unjustly pushed away. Thus, Yiftah views their call as a desperate measure stemming from a dire need, not from any preexisting relationship. They did not care about him then, so why now?

The elders respond to Yiftah by reaffirming their commitment to him and offering him the position of *rosh* (leader). Interestingly, this differs from the initial offer of the position of *katzin* (commander). Several verses later ([11:6–8](#); [11:11](#)), the people appoint Yiftah as both *rosh* and *katzin* (commander and chief). These are clearly two different roles, as Yiftah rejects the first offer and accepts the second. Yiftah has no reason to trust the elders’ affirmation of loyalty given their desperation and track record. Therefore, the reason Yiftah accepts must be due to a desire to be in the position of *rosh*, which—as opposed to a military *katzin*—refers to a broader position of political leadership.

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<sup>13</sup> The translation of this word was changed from the original JPS translation of “commander” to “leader” to better fit the meaning discussed in the previous paragraph.

It seems from the *pesukim* that the elders’ offer is dependent upon Yiftah leading them to victory ([11:8](#)). In the next *pasuk*, Yiftah seemingly accepts the offer, stating, “If you bring me back to fight the Ammonites and the LORD delivers them to me, I am to be your leader” ([11:9](#)).<sup>13</sup> However, this cannot be true, as Yiftah is appointed as both *rosh* (leader) and *katzin* (general) before the start of the battle. If their agreement is conditional on victory, as the *pasuk* suggests, then Yiftah should be appointed *rosh* only afterward.

Rather, it is possible Yiftah’s reply is not one of agreement but rather a declaration of fact ([11:9](#)). If he wins he will be their leader—not by virtue of the elders, but because victorious military leaders are beloved by their nation and are naturally appointed by the people as leaders, as seen in the case of Gidon.<sup>14</sup> Yiftah is thus refusing their offer, noting that if he wins he will become leader regardless of them. Therefore, the elders are forced to appoint Yiftah immediately as both political leader and military leader. Only upon being granted immediate political and military powers is Yiftah satisfied.<sup>15</sup>

One key question arising from this exchange is why Yiftah wants power immediately. There are several possible motivations for Yiftah’s demands. The first is that Yiftah fears being banished again once the war is over. He therefore requires assurance,

<sup>14</sup> “Then Israel’s side said to Gideon, ‘Rule over us—you, your son, and your grandson as well; for you have saved us from the Midianites’” ([Shoftim 8:22](#)).

<sup>15</sup> [Malbim](#) (on *Shoftim* 11:9, s.v. *va-yomer Yiftah*).

in the form of a promise of a position of leadership, that he will not be cast away. However, this does not explain why Yiftah is discontent with being appointed leader after the war.

A second possibility is that Yiftah demands reparations for the injustice done to him.<sup>16</sup> While he feels some degree of loyalty to *Benei Yisrael*, he remains resentful of his past treatment and therefore requires an admittance of guilt and corrective measures. Here too, it is not clear why Yiftah is concerned with being appointed immediately.

A third understanding is that Yiftah bears absolutely no fealty to *Benei Yisrael*. With no inherent motivation to fight, Yiftah requires an incentive. In short, he is not a brother in arms but a mercenary for hire, and he therefore negotiates the optimal reward: immediate leadership.

An alternative approach is that Yiftah's actions are neither a direct response to the past, nor are they indicative of a defection from *Benei Yisrael*. Rather, Yiftah serving as general in the first place is contingent upon having complete control, hence requiring the position of *rosh*. Long accustomed to total self-reliance and independence, this mode of operation has become an inextricable part of Yiftah's character. Yiftah cannot simply serve as general; rather, he must also serve as the all-in-one representative of *Benei Yisrael*. This is why Yiftah requires immediate control. While Yiftah identifies with the nation on an abstract level, he

struggles in practice to be part of it, resorting to acting alone. In other words, while Yiftah is "on the team," he is not a "team player." As such, it must be Yiftah who leads the negotiations with the King of Ammon, once again revealing his over-independence and borderline egotism:

(27) I (*anokhi*) have done you no wrong; yet you are doing **me** harm and making war on **me**. May GOD, who judges, decide today between the Israelites and the Ammonites!  
([11:27](#))

The use of the word *anokhi*, connoting an added sense of importance, hints at Yiftah separating himself from the nation. In truth, this is a war between himself and Ammon. This explains why certain characteristics typically found in biblical descriptions of war are absent. For instance, there is no mention of the number of troops in *Benei Yisrael's* army. This is because an army is the ultimate symbol of a nation. In a sense, it serves as a nation's agent, its representative to the rest of the world. Since this is not a fully national war but rather one fought by an individual, the anomalous description of the war now makes sense.

Most importantly, Yiftah's separation is also evident in his vow. Looking back at *Benei Yisrael's* vow before the battle with Arad, the only difference in language between the two lies in how the vow is made: in *Bamidbar*, *Benei Yisrael* make the vow collectively, whereas Yiftah—

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<sup>16</sup> [Abarbanel](#) (on *Shoftim* 11:9).

remaining true to his character—makes the vow alone.

(28) Then **Israel** made a vow to the LORD and said, “If You deliver this people into our hand, we will proscribe their towns.” ([Bamidbar 28:1](#))

(30) And **Yiftah** made the following vow to the LORD: “If you deliver the Ammonites into my hands...” ([Shoftim 11:30](#))

In reality, there is no problem with the vow itself. What is problematic, however, is Yiftah making the vow alone, thereby separating himself from the nation. Interestingly, the condition stipulated in *Benei Yisrael's* vow is the burning of Arad's cities, which strikingly resembles an *olah*, the same offering made by Yiftah. Because *Benei Yisrael* take the vow as one nation, their sacrifice is a national *olah*. In contrast, Yiftah takes the vow alone and accordingly must offer a personal *olah*. Had he truly united with *Benei Yisrael*, the burden of the vow would have been spread across the whole nation instead of falling solely on him. In the end, Yiftah's independent, lone-wolf mindset and secession from *Benei Yisrael* are his tragic flaw, ultimately leading to the sacrifice of his daughter.

While presenting the first reading of the *perek*, the question of why Yiftah does not perform *hatarat nedarim* was posed. In addition to the aforementioned answer, which claimed that—while saddened—Yiftah lacked full regret and

effectively chose the victory over his daughter, the Midrash offers a different answer that seems to support our new read of the *perek*:

Was Pinhas not present to undo his vow? Rather, Pinhas said, “He needs me (to undo the vow) and I am supposed to come to him (rather he should come to me)?” And Yiftah said, “I am the commander and leader and I am supposed to come to him?” ([Bereshit Rabbah 60:3](#))

What emerges from this *midrash* is staggering. Although able to undo his vow, Yiftah chooses not to—not out of nationalistic motivations or moral convictions, but rather out of pure ego. In essence, Yiftah chooses **himself** over his daughter, directly resulting in her death. Consumed by self-sufficiency, individualism, and hubris, Yiftah cannot fathom displaying reliance upon or deference to others. Doing so would show that he is part of society, one of *Benei Yisrael*. Once again, it becomes apparent Yiftah does not see himself as part of the nation, but rather above it—above their leader and, perhaps in his mind, above their superior. Arrogance and a need for independence corrupt him to such an extent that he refuses to sacrifice either for that which he values most.

In addition to faulting Yiftah, the *midrash* seemingly criticizes Pinhas as well, perhaps hinting that it was not only Yiftah who embodied these traits, but rather that he represented a larger epidemic within society. Thus, the two leaders'

obsession with status, self-importance, and individualism perhaps also reflects the state of the kingless nation. Lacking any central unity, the fractured *Benei Yisrael* become self-centered, veering away from the Torah's precepts of unity and empathy.

One question that remains is the fate of Yiftah's daughter, in light of the ambiguous language utilized by the text. While the simple reading suggests that she is killed as a sacrifice, some commentaries reject this understanding.<sup>17</sup> Instead of understanding the phrase "shall be offered by me as a burnt offering" (11:31) as a single unit describing a sacrificial offering, they translate the Hebrew letter *vav* at the beginning of *ve-ha'alitihu*—"shall be offered"—to mean "or," separating between two different options.<sup>18</sup> The new sentence reads as follows: "If that which walks through the door is fit to be an *olah*, it shall be sacrificed as such. However, if it is unfit, it will be for God." Within this new understanding, Yiftah's daughter, being unfit for an *olah*, is instead designated to God. What exactly is this

designation? It is a life of separation and loneliness.<sup>19</sup> Given this, the mentions of her crying over her maidenhood and being a virgin (11:37; 39) make perfect sense, as her inability to marry is the essence of the sacrifice.<sup>20</sup> The Hebrew word for marriage, *kiddushin*, also means designation. Because she is designated to God, she is unable to be designated to another.

Applying this to the larger framework of the reading, perhaps there is room to suggest that this signifies a *middah ke-neged middah*, or an action befitting a consequence. Since Yiftah separated himself from the nation and acted alone, he and his daughter in turn become separated and alone. Accordingly, this reading criticizes Yiftah's selfish, lone-wolf way of life and emphasizes the importance of national unity during a time when it was severely lacking.

## Conclusion

To conclude, this article has offered three different approaches to understanding this *perek*. The first is to view the *perek* as a criticism of and warning

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<sup>17</sup> Radak, Malbim, and Ralbag (to *Shoftim* 11:31, s.v. *ve-haya la-Hashem*).

<sup>18</sup> One such example of the letter *vav* meaning "or" is the *pasuk* in *Shemot* (21:15): "One who strikes one's father or mother shall be put to death." See Radak to *Shoftim* 11:31 (s.v. *ve-ha'alitihu olah*) for further explanation.

<sup>19</sup> Ramban (on *Vayikra* 27:29) vehemently opposes this, bringing several proofs against this reading: (1) If so, she should serve God like Shmuel—who is also said to be for God—instead of being alone. Ralbag in note five addresses this point. (2) One cannot make such a vow, as it is outside the Torah's rules regarding vows. (3) If this were the case,

why is she crying so much? (4) Ramban retorts, "God forbid that there should be four days of mourning for Yiftah's daughter because she never got married and served God in purity."

<sup>20</sup> Additionally, the difficulty noted by Radak and Malbim in footnote twelve is resolved with this explanation: the reason the *pasuk* says that Yiftah "did to her as he had vowed" (*Shoftim* 11:39) and not that he offered her as an *olah* is because they are not the same thing. Yiftah indeed fulfilled his vow, but not by offering an *olah*; instead, he fulfilled the other option of his vow: that the entity be designated to God.

against overpiety and improper worship. The second interpretation offers praise for genuine religious sacrifice, viewing Yiftah's zealous act as laudable, justified, and altruistic. The third forewarns against secession from the nation, discouraging a selfish, misguided, and individualistic attitude in favor of promoting unity among the people. Most probably, there is some truth to all of these ideas. Genuine religious sacrifice is important, and excessive pietistic behavior that violates the norms of divine worship should be frowned upon. But perhaps even more importantly, a leader must be part of his nation, interested in the good of his people, not his own ego and benefit.

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