

HALOCHOSCOPE

This week's question:

One evening, before counting *sefiras ha'omer*, someone asked what night it was. A friend answered "Last night was ten .. er no, that's tonight .." Has the friend now counted for that night? May he still count that night with a *brocha*? What if one said to his friend "Tonight is ten, right!" or "Is tonight ten?" and the friend responded "Yes it is!" Has either of them now formally counted already?

The issues:

- A) *Sefiras ha'omer*, the opinions on the nature of the *mitzvah*
- B) *Ovair la'asiyasan*, reciting a *brocha* before performing the *mitzvah*
- C) *Safek brocha*
- D) What constitutes "counting"?

A) *Sefiras Ha'omer*

Every Jew must count forty-nine days from the offering of the *korban omer*, on the sixteenth of *Nissan*. On the fiftieth day, *Shavuos*, the two-loaf offering is made. In a minority view, this *mitzvah* is independent of the offerings. The majority consider them interdependent. Nowadays no offerings are made. It is a Rabbinical *mitzvah* in memory of the *Bais Hamikdash*. The *omer* is a two step process. An *omer* measure of the fresh barley crop is offered. At night the grain is reaped and prepared. The next day the offering is made. If the reaping was not done by night, there is a Talmudic debate whether it may be done by day. The *mitzvah* to count is connected to the beginning of the process. Accordingly, the same debate applies to counting by day. The poskim are divided on which opinion to follow. In addition, the Torah says that the counting should be *temimos*, complete weeks. Some maintain that regardless of the *omer* offering, counting must be done by night to count the complete Jewish day, which begins at night. There is a view that the *omer* is dependent on the *sefira*, which is why it must be cut by night. Some say one may count by day with a *brocha*. Others say that only the first day must be counted by night. The consensus is that one who did not count by night should count by day. However, due to the view that there is no *mitzvah* to count by day, he should not recite the *brocha*.

What is counted, the total of the forty-nine days, or each day to reach that total? On the one hand, each day is counted as a separate act, with its own *brocha*. On the other hand, each day alone accomplishes nothing. The poskim debate this issue, resulting in an interesting point of difference. If one missed one day entirely, if the entire counting is one long *mitzvah*, he can no longer keep going. If each day is separate, he can continue with the other days. As a result, when this occurs, the ruling is to continue counting, but without reciting a *brocha*. If one missed counting by night, and made up for it by day with no *brocha*, the consensus is that he may continue counting subsequent nights with a

brocha. The chance that he has lost the continuity is considered double doubt: first, maybe the *mitzvah* is separate each night; second, maybe the *mitzvah* may be performed by day. Therefore, he is more likely to be eligible to continue with the *brocha*, than to be ineligible. [See Menachos 65b-66a, Megilah 20b-21a, Rif & Rosh, end Psachim, Poskim. Tur, B.Y. Sh. Ar. OC 489, commentaries.]

B) Ovair la'asiyasan

Like a *brocha rishona*, recited before eating, a *birchas hamitzvah*, recited on a *mitzvah* performance, must be said beforehand. Nonetheless, there are some differences between the two. A *brocha* before food is to 'ask permission' before taking the food from Hashem. Thus, after the food has been consumed, there is no purpose in reciting the *brocha rishona*. If some of it has not yet been eaten, the *brocha rishona* can be recited on that part. A *birchas hamitzvah* is an acknowledgment of the sanctity of the *mitzvah*, thanking Hashem for sanctifying us through this sanctity, and appreciating its effect on us. Therefore, there are occasions when a *brocha* may be recited after the *mitzvah*, or part of it, has already been performed. Some *mitzvos* can only be performed once, and with one act. Others should be performed at least once, but may be repeated multiple times. Others are drawn out in a long action or activity or in a series of acts. In such cases, if one missed reciting the *brocha* earlier, he may 'catch up' later on during the performance. For example, *netilas yadayim* is to purify the hands. In an impure state, one should not, ideally, recite a *brocha*. Therefore, one washes first, then recites the *brocha* before drying. This makes the *brocha* partially *ovair la'asiyasan*.

Sefiras haomer is performed once a day, and with one act. By definition, once one has counted that one time, he has already finished performing the *mitzvah*. It is not the kind of *mitzvah* that necessitates doing half of it before the *brocha* can be said. Therefore, once he counted, he no longer has the *mitzvah* for that day. He may no longer recite the *brocha*, even if he wishes to count again. [See Brochos 35a Psachim 7b, Poskim.]

C) Safeik Brocha

Reciting a *brocha* involves using the Name of Hashem. This may not be uttered in vain. The Rabbis are authorized to obligate us in the *brochos*. Some consider the *birchos hatorah* Scriptural obligations. The *birchos hamitzvos*, including the *brocha* on *sefiras ha'omer*, are patterned on it. If the Rabbis did not obligate a certain *brocha*, and deemed it unnecessary, it involves an unnecessary pronouncement of Hashem's Name. Some consider it a violation of the negative *mitzvah*, *lo sisa*. Others maintain that this could not apply to a *brocha*. Rather, it is a violation of the *mitzvah* to fear Hashem. Yet others maintain that when used in praise, albeit unwarranted, it could not be forbidden Scripturally, but Rabbinically. If there is a doubt about the obligation for a *brocha*, reciting it touches on a possible Scriptural violation. Not reciting it possibly violates a Rabbinical obligation. When in doubt about a Scriptural law one tends to stringency. Therefore, one should rather not mention the Name of Hashem in this situation. When in doubt about a Rabbinical law one tends to leniency. One would not recite a *brocha*. One might otherwise try anyhow to practice stringency and fulfill the Rabbinical obligation. In this case, stringency on the Rabbinical law leads to leniency on the Scriptural law. [See E.g, Brochos 33a 39a, Temura 4a, Poskim. Tur, Sh. Ar. OC 206:6. Halochoscope I:9 II:13 IV:14.]

D) What constitutes “counting”?

The Torah uses conflicting terminology on the nature of the counting. It mentions counting the days, and then, the weeks. The Talmud debates this, and the consensus of the poskim is that there is a *mitzvah* to count each day progressively. The question is whether there is an additional obligation to count each entire week. Within the view that requires week counting there is a further question whether this also applies to counting fractions of weeks each day, or only complete weeks. The consensus is that one must count both days and weeks, and their fractions. However, if one only counted days and missed counting the week for the rest of the day, he has fulfilled his minimal obligation. He may continue counting subsequent days with a *brocha*. Similarly, if one inadvertently mentioned the day count before reciting the *brocha*, he may not recite the *brocha*, even though he still has not counted the week count.

There is also debate about the timing of the *mitzvah*. Ideally, it should be done by night. If it was done *bain hashmoshos*, during twilight, the question is whether this counts as the new day or the end of the old day. If it is the old day, counting at this point is worthless. Since this is also a doubt, one should count again after dark, but since he might have fulfilled his obligation, he may not recite the *brocha*. If he counted before sunset, he may certainly count later, and may recite the *brocha*. However, there is a view that in emergencies, one could even count before sunset, within one and a quarter seasonal hours. Furthermore, some say that after *davening maariv* early, one has already made it into the next day on a personal level, including for *sefirah*.

One must understand numbers to count, even if he counts in Hebrew, according to most poskim. Any language is acceptable, for those who speak it. Using letters of the Hebrew *Alef-Bais* is questionable. Here, too, if one did count in a questionable way, he must count again, but without a *brocha*. If one counted in an unacceptable or questionable way and then did not repeat it properly all day, he might still be able to count on subsequent days with a *brocha*. This depends on how unacceptable his counting was. If it involves relying on a minority view in one of the debates, or in a less than preferred way but which is acceptable nonetheless, he may continue. If it involves relying on all or most of the minority views, he might not be allowed to continue with a *brocha*.

Accordingly, if one is asked about the day of *sefiras haomer* during twilight or before he has counted himself, he should not reply by saying the actual day in a language he speaks. Rather, he should say which day was counted the night before. If he did respond, the poskim debate whether he may still count with a *brocha*. In one view, he never meant it to count as his own *mitzvah*. Therefore, he cannot be considered to have fulfilled it. The instruction to avoid mentioning the actual day is good advice only. In the other view, since intent is anyhow not always present, we rely on implied intent. When doing a *mitzvah*, even casually, there is automatic implied intent. By answering, the person is considered to have already counted. Due to the doubt, we follow the view that a *brocha* should not be recited, but that one must certainly count properly again.

However, there is consensus that if one did not say the words “today is” or “tonight is” but simply said a number, this cannot be considered counting the *omer*. He must recount, with a *brocha*. He need not, however, end with the words “of the *omer*” to be con-

sidered having fulfilled his obligation the first time.

Our question involves a mention of “tonight”, but it is not mentioned directly together with the number. Rather, it is mentioned after it. In the second question, it is mentioned as a question, rather than as a counting. Do any of these constitute proper counting for the purposes of this *mitzvah*?

The second question happens to be easier to answer. One must be aware before counting, which day he is about to count. Otherwise, he may not recite the *brocha*. One may rely on listening to his fellow and reciting it after him. While the poskim debate whether this is the ideal or not, it is clear that one should know beforehand. A question implies that one does not know which day it is. Arguably, if he mentioned the correct day as his doubt, he might be considered having counted that day after the fact. Indeed, he seems to have thought that it was the right day, but wanted to make sure. However, since he did not say it as a statement, but as a question, it is difficult to see this as a counting. Furthermore, it seems that one in doubt cannot count, by definition.

As for the first question, the poskim debate one who counted the wrong day, then corrected himself to count the right day. Part of the question is whether the *brocha* could still apply. We follow the ruling that if he corrected himself immediately, there is no question that he fulfilled his obligation. What if he counted correctly, then 'corrected' himself to count he wrong day? It works. In our case, he did more than that. He counted yesterday incorrectly, then corrected it to count today!

The other part to the question is whether the addition of the word today alone can count. What if one person said “Was yesterday ten?” and his fellow replied “No, that's today!”? Does the pronoun “that's” count as a repetition of the number?

The underlying theory in permitting one to count again with a *brocha* in many of the debated cases is that while unspecified intent is automatically considered positive intent, one can have intent specifically not to fulfill his obligation. Accordingly, especially with a *mitzvah* such as *sefirah*, which is heavily dependent on the mind, these cases count as negative intent. The person was not trying to count, but rather trying to remember or remind someone about the correct count. Our cases would certainly fit that category. Therefore, the questioner and the responder may certainly recite a *brocha* when they count later with full intent. [See Megillah 20b Menachos 65b-66a, Poskim. Rif Rosh end Psachim. Tur Sh Ar OC 489:1-4 7-8, commentaries, [Kaf Hachayim 61, Dirshu 56 67.] Hilchos Chag Bechag 6:esp. 11. Beer Moshe III:80.]

In conclusion, all of those in question may still count that night with a *brocha*.

On the parsha ... *And it was on the eighth day ..[9:1] The eighth day of the miluim, induction [Rashi etc.]* The induction was really seven days. The eighth day was not a part of this *miluim*. If so, why is it called the eighth day of miluim? [See *Kli Yakar*, *R SR Hirsch*] Perhaps that this was never meant to be an eighth day is the counting sense. The seven days might have been counted, with the goal of reaching the eighth day. Similarly, *Shavuot* is on the fiftieth day, but is not counted as part of the *sefirah*, but comes after the count.

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