



Counting the Omer Today

The Gemara (Menachot 66a) teaches that Ameimar would count only the days of the Omer, but not the weeks. Ameimar's rationale was that after the destruction of the *Beit HaMikdash*, we observe *Sefirat HaOmer* only as a *zecher leMikdash*, and the counting of days is therefore sufficient. The simple explanation of Ameimar's opinion is that we wish to demonstrate that the *mitzvah* is incomplete, as the *pasuk* links the counting of *sefira* to the *Korban Omer*, מיום הביאכם את עומר התנופה. Chazal wanted people to realize that we are missing the full *mitzvah* because we lack this *korban*.

Tosafot (s.v. *zecher*) maintains that all of the opinions in the Gemara agree with Ameimar in that *sefira* is *deRabanan* in our day; the *machloket* relates only to whether one must count the weeks in addition to the days.

The Rambam (*Hilchot Temidin UMussafin* 7:24) disagrees. He rules like the *Geonim*, that the *psak* is in accordance with the opinion of Abaye and Rav Ashi, to count both days and weeks, and that according to them, *Sefirat HaOmer* is *deOraita* even today.

One way to explain the *machloket* between the Rambam and Tosafot relates to whether women are obligated in *Sefirat HaOmer*. Despite the fact that *sefira* would seem to be an obvious example of a *mitzvah asei shehazman grama* (timebound positive *mitzvah*), being that it begins on a particular calendar date and involves the counting of days, the Rambam (*Kiddushin* 34a, s.v. *vehevei*) includes this *mitzvah* in a list of *mitzvot* that women are obligated in. Although some assumed this to be a

misprint (see *Nefesh HaRav*, 1994 ed., p. 191; *Divrei Malkiel* 3:5), the son of the Maharam Chalavah cites this opinion in the name of the Rambam.

The son of the Maharam Chalavah proceeds to offer an explanation in the name of his father (*Imrei Shefer, Vayechi* 49:28; *Shitat HaKadmonim, Bava Kamma*, pp. 334-335). According to the Rambam, the phrase מיום הביאכם את עומר התנופה is not merely an identification of the calendar day on which *Sefirat HaOmer* begins.

Rather, the *pasuk* establishes that it is the *hakravat haOmer* which causes the obligation of *Sefirat HaOmer* and not the day of the 16th of Nissan. Therefore, *Sefirat HaOmer* is, in fact, not a *mitzvah asei shehazman grama*. Although the day obligates the *Korban Omer*, it is the *korban* that, in turn, is the direct cause of *Sefirat HaOmer*.

According to the Rambam's understanding, that the *mechayev* (the obligating factor) of *Sefirat HaOmer* is the *Korban Omer*, nowadays, in its absence, the *mitzvah* of *sefira* cannot be *mideOraita*. This is Tosafot's position. The Rambam, however, disagrees, and maintains that the day of the 16th of Nissan is the *mechayev* of *Sefirat HaOmer*. According to this approach, *sefira* remains a *mitzvah deOraita* even today, while women are exempt from *sefira* because it is a *mitzvah asei shehazman grama* (*Hilchot Temidin UMussafin* 7:24).

Thus, these two issues – whether *sefira* is *deOraita* nowadays and whether women are obligated in *sefira* – are interrelated, and they depend on the identification of the *mechayev* of *Sefirat HaOmer*.

Rav Chaim Brisker did not favor the

above explanation of Tosafot, and offered a different explanation of the *machloket* between Tosafot and the Rambam (see *Chiddushei HaGrach al HaShas, Menachot* 66a, pp. 252-253).

According to the Rambam, *sefira bazman hazeh* is *deOraita* based on the *halacha* that “the original sanctification [of Yerushalayim and the *Beit HaMikdash*] sanctified these areas for that time and sanctified them for all future time.”

The Mishnah in *Eduyot* (8:6) teaches that for this reason, “we may offer *korbanot* [at the *Beit HaMikdash* site] even though there is no [Sanctuary] building.” This is, in fact, how the Rambam rules with regard to the current state of *kedushat haMikdash*; the *makom haMikdash* retains its *kedusha* even after the *churban haBayit* (*Hilchot Beit HaBechira* 6:14-16).

Thus, even though we are not able to actually offer the *Korban Omer* nowadays, since there is still a *kedushat makom* in the *makom haMikdash*, there exists a theoretical obligation to do so. The *chiyuv hakrava* is in place today, just as it was when the *Beit HaMikdash* stood, and *Sefirat HaOmer* therefore remains a *mitzvah deOraita*. Tosafot, in contrast, maintains that the *Beit HaMikdash* site did not retain its *kedusha*. As such, there is not even a *chiyuv hakrava* nowadays, and *Sefirat HaOmer* is therefore only *mideRabanan*.

Rabbi Hershel Schachter is Rosh Yeshiva and Rosh Kollel at Rabbi Isaac Elchanan Theological Seminary of Yeshiva University.



A member of the Mizrahi Speakers Bureau
mizrachi.org/speakers