

Iyun Halacha is sponsored by the Dr. Philip & Mrs. Leah Mehler Family Foundation  
 In memory of their parents Dr. Irving & Mrs. Bernice Mehler & Mr. Gedalja & Mrs. Miriam Zupnik  
 לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

## The Proper Time to Count *Sefiras Ha'omer* by Rabbi Mordechai Fleisher

*May one count Sefiras Ha'omer by day if he failed to count the previous night?*

*Should one count Sefiras Ha'omer if davening ma'ariv before nightfall?*

The Torah instructs that with the offering of the *Omer* on the second day of Pesach, we must count seven complete weeks (see Vayikra 23:15). As we move through the period of *Sefiras Ha'omer* (Counting the *Omer*), the question regarding the ideal time for counting *sefira*, as this mitzvah is colloquially known, often arises. True, *sefira* is counted at night, but how early in the evening may one count? Is it ever possible to count during the daytime? This article will explore the sources and provide answers to these questions.

The Gemara (Menachos 66a) states that one must count the *Omer* at night, since the Torah requires that seven complete weeks be counted, and a complete day must include the night (which precedes the day in most areas of Jewish law). This halacha should make things fairly simple: Counting *sefira* must take place at night, and, like any other nighttime mitzvah, one must wait until *tzais hakochavim* (the emergence of the stars), whose exact time is the subject of various opinions ranging from 13 ½ minutes after sunset until 90 minutes after sunset<sup>1</sup>.

**Counting by day:** The matter, however, is far from simple. First off, the Gemara (Menachos 66a) links the mitzvah of cutting the barley of the *Omer* offering, which is done on the second night of Pesach, with counting the *Omer*. The Mishna in Menachos (71a) says that the barley for the *Omer* should be cut at night, but *bidi'eved* (post facto), it is valid if cut by day. This indicates that counting the *Omer* may be valid by day, as well. However, Rabbeinu Tam (cited in Tosafos Megilla 20b s.v. *kol*) rejects this premise on two accounts. First, the Mishna in Megilla (20b) lists mitzvos that are to be performed at night, and cutting the *Omer* is included. The Gemara (Menachos 72a) notes that the mitzvos listed in the Mishna may be done at night only, and not by day. Rabbeinu Tam says that the halacha follows this Mishna, not the dissenting Mishna in Menachos. Furthermore, says Rabbeinu Tam, even the opinion that the cutting of the *Omer* barley by day is valid *bidi'eved* would not say the same for counting, since the Torah stresses the need for complete weeks, which requires counting by night. Tosafos elsewhere (Menachos 66a s.v. *zecher*) cite this opinion of Rabbeinu Tam, as well.

However, Tosafos in Megilla (ibid.) cite the view of the Bahag that if one forgot to count at night, he may still count the following day without a *bracha*, and says that this is the halacha. Tosafos does not indicate that Rabbeinu Tam disagrees with this view. However, Tosafos in Menachos (ibid.) cite the view of the Bahag without any mention of whether one may or may not make a *bracha* on counting by day, and then cite what seems to be the dissenting view of Rabbeinu Tam.

It is possible that Tosafos in Menachos understood that the Bahag allows counting by day with a *bracha* (if one forgot to count at night), a view which Rabbeinu Tam does not agree with. This theory that the Bahag would allow the *bracha* to be recited even by day has a strong proof, as in the current version of the Bahag (Hilchos Atzeres) it says that one who forgot to count at night may recite the blessing the following day!

Tosafos in Megilla, on the other hand, cites the Bahag as allowing counting by day only without a *bracha*, a view which Rabbeinu Tam does not necessarily disagree with. This ruling, however, is quite puzzling: If one may, indeed, count by day, why can a *bracha* not be recited?

Several pieces must be discussed to provide an answer. The Bahag (cited in Tosafos Menachos ibid.) rules that one who misses a single day of counting *sefira* may no longer count, as the requirement of "complete" is lacking; Tosafos strongly disagree. The Shulchan Aruch (Orach Chaim 489:8) rules that one who misses an entire day may no longer recite a *bracha*, in deference to the opinion of the Bahag, but should still continue counting every night, in accordance with the opinion of Tosafos (see Mishna Berura 489:36-37).

The Shulchan Aruch (ibid.:7) rules that if one forgot to count at night, he should count by day without a *bracha*. The Mishna Berura (ibid.:34) says that by counting by day, one has not missed the day (even according to the Bahag) and may continue counting with a *bracha*. Here, too, the aforementioned question returns; inasmuch as one may only recite the *bracha* and count at night, of what use is a daytime counting?

The Mishna Berura himself (ibid.) answers this question. He takes the position that according to the opinion that one may count by day, the *bracha* may be recited, as well (which would be in accordance with the aforementioned Bahag in Hilchos Atzeres), but the halachic ruling at hand is predicated upon both opinions: One may not make a *bracha* by day due to the opinion that one may not count by day, but counting by day means that one has not completely skipped the day. It would appear that the Mishna Berura is ruling that one may rely upon those who allow counting by day to the extent that one is not considered to have missed a day, but not to the extent that one may make a *bracha* by day.

While this approach works for the practical ruling of the Shulchan Aruch (Orach Chaim 489:1) that one who forgot to count at night may count by day without a *bracha*, it does not answer the original question posed upon the single opinion of the Bahag cited in Tosafos in Megilla that one should count by day without a *bracha*.

A number of contemporary commentators offer a novel approach to this conundrum. The classic understanding of the Bahag's position that one who missed a day entirely no longer counts is that he views all 49 days/seven weeks as one big mitzvah, while those who disagree view each day as its own mitzvah. Thus, the Bahag says that missing one day means the entire mitzvah, a single unit of 49 days/seven weeks, is missing a piece and is lost, while the dissenting opinion that views each day independently of the others has no such requirement.

The novel approach offered takes a different view, explaining that even the Bahag agrees that each day is its own mitzvah, but that this mitzvah of *Sefiras Ha'omer* has a condition of "completeness;" it must be part of a unified whole of 49 days/7 weeks [see Maharam Schick (Sefer Hamitzvos Taryag Mitzvos Mitzvah 307) who seems to express such an idea in a different context)]. Indeed,

<sup>1</sup> See Rabbi Aharon Wilen's *Iyun Halacha* article (Volume 1, Issue 26/Korach 5779) titled *Halachic Nightfall* (available at denverkollel.org) for a full treatment of the subject.

the individual mitzvah of counting each day may only be done at night. But so long as one counted the day at any point, even during the daytime, that day is now part of the larger unit of all 49 days/seven weeks<sup>2</sup>, fulfilling the condition of completeness.

**Counting by day for the coming night:** The Gemara (Menachos 66a) cites the opinion of Abaye that one must count both the days and the weeks. The Gemara continues that the students at the Academy of Rav Ashi would follow this opinion, but Ameimar counted only the days, not the weeks, commenting “This is only a *zecher liMikdash* (to recall Temple times).” Rashi (ibid. s.v. *Ameimar*) explains that since there is no *Omer* offering in post-*Bais Hamikdash* times, there is no *diOrayso* (Torah-level) mitzvah of *Sefiras Ha’omer*, either. Rashi thus understands that *Sefiras Ha’omer* is predicated upon the actual offering of the *Omer*, and so today, the obligation is *midiRabbanan* (Rabbinic).

The Rambam rules (Hilchos Temidin Umusafin 7:24) that the mitzvah of *sefiras Ha’omer* is *midiOrayso* (Torah obligation) at all times and in all locations. The Ran (Pesachim 28a *bidapei haRif* s.v. *aymasai*) explains that the Rambam understood that Abaye and the students at Rav Ashi’s academy did not agree with Ameimar’s assertion that the mitzvah is only a Rabbinic *zecher liMikdash*, and the Rambam ruled in accordance with their view.

Tosafos (Menachos ibid.), however, rule that the mitzvah is *midiRabanan* (Rabbinic)<sup>3</sup>, and says that one may count *sefira* during the period when we are unsure if it is already night (known as *bain hashmashos*, or twilight; it is the period between sunset and nightfall), since it is a *safeik diRabanan*, an uncertainty in a Rabbinic obligation, where one may be lenient.

Tosafos further say that it may be preferable to count while it is still day (for the coming night), as this will create a greater “completeness” (since one will have included every moment of the coming day in his count). Tosafos reject this final assertion, however.

The Ran (ibid.) cite Tosafos as saying that one should count during *bain hashmashos* so as to have a greater completeness. The Ran rejects this notion, though, saying that while we are indeed lenient regarding uncertainties in Rabbinic obligations, one should not initially create the uncertainty!

The Rashba, in a responsum (1:154 and 1:235), firmly rejects the notion of counting for the coming night while it still day, wondering how one could possibly count day ten while it is day nine. The Rashba adds (1:154) that those who are exacting in their mitzvah performance wait until *tzais hakochavim* to count *sefira*. The Mishna Berura (ibid.:14) explains this practice based upon the words of the Ran that one should avoid creating an uncertainty.

These varying opinions set the stage for complex halachic rulings. The Shulchan Aruch (ibid.:2) says that if one counted while it is still day, he must count again after dark with a *bracha* (indicating that the daytime counting for the coming night is of no value at all). He continues that those who are exacting in mitzvah performance wait until *tzais hakochavim* to count *sefira*, and concludes that it is proper to do so. The Mishna Berura (ibid.:15) says that nonetheless, if one counted during *bain hashmashos*, he has fulfilled his obligation (in accordance with Tosafos’ view that the obligation is Rabbinic), but he adds that the Elya

<sup>2</sup> One could ask that inasmuch as the source for counting at night is due to the need for completeness, a missing night would thus create a lack of that completeness. The answer appears to be that while the Torah requires each day to be counted in a complete fashion by being counted at night, the condition of a complete unit of 49 days/seven weeks requires only that the “day” be counted in some way, and so even a daytime counting suffices.

<sup>3</sup> See Kesef Mishna (Hilchos Temidin Umusafin 7:24 s.v. *mitzvah*) who says, based upon the aforementioned Ran, that this opinion understands that all agree that the mitzvah is *midiRabanan*, but that Abaye and the students of Rav Ashi’s academy nonetheless require both days and weeks to be counted.

Rabba (489:10) is unsure and rules it proper to count again after nightfall without a *bracha*. The Elya Rabba explains that this stringency is because there are those that say that counting *sefira* is a *diOrayso* obligation even today. It appears, based upon the Mishna Berura, that if one is *davening ma’ariv* during *bain hashmashos* with a *minyana* that is counting *sefira*, he should make a *bracha* and count with them, and count again without a *bracha* later on<sup>4</sup>.

The Shulchan Aruch continues (ibid.:3) that one who *davens ma’ariv* with a *tzibbur* (lit., public; i.e., a *minyana*) while it is still day should count *sefira* with them but without a *bracha*, and, if he remembers later that night, he should count again with a *bracha*. The Taz (ad. loc.:6), based upon the Rema’s comments (ad. loc.), explains that when counting initially, one should have in mind that he is not fulfilling the mitzvah. The Taz wonders what purpose the counting serves, inasmuch as one has in mind not to fulfill the mitzvah. The Taz concludes that one is doing so only to avoid suspicion that he does not count *sefira* at all. The Taz offers a second approach to the Shulchan Aruch’s ruling, that of the Avudraham (cited in Bais Yosef ad. loc. s.v. *kasav*), that one counts with the *minyana* but first makes a stipulation that if he forgets to count later, the current counting should, indeed, fulfill the mitzvah. If he remembers to count after nightfall, however, then this early counting should not fulfill the mitzvah. Thus, upon remembering to count after nightfall, he may recite the *bracha*, as it is retroactively determined that the earlier counting was not a fulfillment of the mitzvah<sup>5</sup>.

The Taz wonders, however, how a *tzibbur* could count while it is still day, something that all agree is not permitted. He concludes that this “still day” is an inexact term, and refers to *bain hashmashos*. The Mishna Berura (ibid.:16) cites this opinion.

The Bi’ur Halacha, however, cites a number of Acharonim who understand “still day” literally, and they say that the *tzibbur* is *davening ma’ariv* after *plag hamincha* (1 ¼ hours before sunset)<sup>6</sup>. They explain that in communities where *ma’ariv* is recited after *plag hamincha* while still day, there is serious concern that people will forget to count *sefira* after dark, and the entire mitzvah of *Sefiras Ha’omer* will thus be lost. To avoid this, the custom emerged to rely on an approach that says that since the prevailing ruling is that *Sefiras Ha’omer* is *midiRabbanan* today, coupled with the fact that *plag hamincha* is, to some degree, the beginning of the coming night (as evidenced by the fact that *ma’ariv* is being recited at this time), it is also regarded as night for the purpose of counting *sefira*. The Bi’ur Halacha concludes that while we do not rely upon this approach, we also do not protest the custom where it has taken hold, and so one should follow the ruling of the Shulchan Aruch and make the stipulation (as per the approach of the Avudraham) and count again with a *bracha* after nightfall.

In conclusion, there are many facets and aspects regarding the proper time for counting *sefira*. Regardless of when one *davens ma’ariv*, however, one should endeavor to count *sefira* nightly after *tzais hakochavim*, even if it means counting a second time.

<sup>4</sup> Additionally, as noted in the introduction, there are many opinions regarding the time of *tzais hakochavim*. It is common that a person will *daven ma’ariv* at a time that is still *bain hashmashos* according to some opinions but considered after *tzais hakochavim* according to others. These scenarios would add even more leniency to allow counting with a *bracha* and simply recounting later without a *bracha*.

<sup>5</sup> See Mishna Berura (ad. loc.:16) who understands the Rema in accordance with this approach, as well.

<sup>6</sup> *Davening ma’ariv* while it is still day but after *plag hamincha* is permitted under certain circumstances, the most common of which is when making early Shabbos; a proper discussion is beyond the scope of this article. See Rabbi Yosef Melamed’s *Iyun Halacha* article (Volume 1, Issue 18/Tazria 5779) titled *Davening Ma’ariv Early* (available at [denverkollel.org](http://denverkollel.org)) for a full treatment of the subject.

## Points to Ponder:

***If one is davening ma’ariv during bain hashmashos without a minyan, should he count then or wait until nightfall?***  
***If one inadvertently counted with a bracha after plag hamincha but before sunset, should he repeat the bracha after nightfall?***

*Iyun Halacha* is a publication of the Denver Community Kollel  
Please consult with a qualified halachic authority for all practical questions of halacha

Halachic Editor: Rabbi Shachne Sommers · General Editor: Rabbi Mordechai Fleisher

5080 W. 14th Ave, Denver, CO 80204 · 303-820-2855 · [info@denverkollel.org](mailto:info@denverkollel.org) · [www.denverkollel.org](http://www.denverkollel.org)

To receive Halacha Weekly by email, contact [info@denverkollel.org](mailto:info@denverkollel.org)