



## The Counting of the Omer by David Silverberg

Parashat Emor addresses numerous fascinating laws and concepts; we have chosen for this week's discussion a topic that not only appears in this week's portion, but also bears direct relevance to the current season – the period in between the festivals of Pesach and Shavuot.

Amidst its discussion of the various festivals on the Jewish calendar and their respective laws, the Torah in Parashat Emor introduces the obligation of *sefirat ha-omer* – to count each day from the second day of Pesach until the fiftieth day, on which we observe the festival of Shavuot. The Torah's discussion of this mitzva begins with the special *omer* sacrifice offered in the Temple on the second of Pesach; we cite here the entire relevant passage:

When you enter the land that I am giving to you and you reap its harvest, you shall bring the first omer of your harvest to the *kohen*. He shall elevate the omer before the Lord for acceptance on your behalf; on the day following the sabbath [the first day of Pesach] shall the *kohen* elevate it. And you shall offer on the day that you elevate the omer a burnt offering to the Lord... You shall count from the day after the sabbath – from the day when you bring the omer of elevation – seven weeks; they shall be complete. You shall count fifty days, until the day following the seventh week, [at which point] you shall offer a new offering of grain to the Lord. You shall bring from your settlements two [loaves of] bread of elevation... On that very day you shall observe a celebration; it shall be a sacred occasion for you. (Vayikra 23:10-21)

To summarize, on the 16<sup>th</sup> of the month of Nissan – the second day of Pesach – the first omer (the name of a measurement of volume) of harvested grain is brought to the *Beit Ha-mikdash* and brought as an "elevation offering" to God. In halakhic literature, this offering is called the *korban ha-omer*. The Torah then requires counting seven complete weeks from this day, and, on the fiftieth day, observing a special holiday on which a different offering is brought, consisting of two breads. This holiday is referred to elsewhere in the Torah (Shemot 34:22; Devarim 16:10) as "Shavuot," and the special bread offering is called in rabbinic jargon the *korban shetei ha-lechem*.

### ***Sefirat Ha-omer* After the Temple's Destruction**

The above outline of the basic sacrificial rituals associated with the Pesach-Shavuot period provides us with the background information necessary to understand a famous debate between Maimonides and most other Medieval authorities regarding the *sefirat ha-omer* obligation. As the Ran (Rabbenu Nissim, among the classic Medieval Talmudists of Spain) discusses towards the end of his commentary to Masekhet Pesachim, most Rishonim (Medieval authorities) restrict the Torah obligation of *sefirat ha-omer* to the time when the Temple stood. After the Temple's destruction, the Torah obligation no longer applies; the counting that we conduct nowadays was enacted by the Sages as a commemoration of the *sefira* obligation that applied in the time of the *Mikdash*. Since the Torah introduces the *sefira* obligation in the context of the *korban ha-omer* and *korban shetei ha-lechem*, which are obviously part of the Temple rituals, it can apply only when there is a *Beit Ha-mikdash*.

Maimonides, however, in his *Code* (Hilkhot Temidin U-musafin 7:24), explicitly extends the obligation of *sefirat ha-omer* to all periods – regardless of the state of the Temple. Although Maimonides is often considered a lone voice in this regard, the early 20<sup>th</sup>-century work *Bei'ur*

*Halakha*, composed by the legendary Rabbi Yisrael Meir Kagan of Radin (the *Chafetz Chayim*), cites several other Rishonim who likewise apply the Torah obligation of *sefirat ha-omer* even nowadays. Nevertheless, as mentioned, the majority of Rishonim view the obligation in the post-Temple era as rabbinic in origin, and this is the generally accepted position.

(There exists yet a third position, as well, that of Rabbenu Yerucham, who distinguishes in this regard between the counting of days, and the counting of weeks. He contends that the Torah obligation to count days continues even after Temple's destruction, whereas the counting of weeks applies as a Torah obligation only when the Temple stands. We will not elaborate on this view, focusing our attention instead on the two more common positions, that of Maimonides and of most other Rishonim.)

## **Talmudic Sources**

Before addressing the conceptual basis for this debate, we will first examine its Talmudic origins. In Masekhet Menachot (66a), the Gemara records two practices among the Amoraim (scholars during the time of the Talmud) regarding the procedure of counting the *omer*. Most Amoraim would count both the days since the second day of Pesach, and the weeks. But one Amora, Mar Bar Rav Ashi, counted only the days, and explained his practice based on the fact that counting nowadays is merely *zekher le-Mikdash* – a commemoration of the actual performance of the mitzva during the time of the *Mikdash*. Since post-Temple counting is merely commemorative, rather than the fulfillment of a Biblical imperative, its laws are more flexible and less demanding. The Sages ordained a commemorative *sefira*, but did not require a precise replica of the original mitzva act.

A fundamental principle of halakhic decision-making mandates following the majority position recorded in the Talmud. Naturally, then, the Rishonim all side with the prevalent view among the Amoraim, requiring the mention of both days and weeks when counting *sefirat ha-omer*. It appears, however, that the authorities disagreed in their understanding of the majority view. Maimonides, presumably, understood that the other Amoraim disputed Mar Bar Rav Ashi's underlying assumption regarding the status of *sefirat ha-omer* after the Temple's destruction. In their view, the Torah obligation remains intact even nowadays, and therefore we, like our ancestors in the time of the *Beit Ha-mikdash*, must count both days and weeks. Other Rishonim, by contrast, understood the debate differently, whereby both parties – both the majority of Amoraim and the dissenting voice of Mar Bar Rav Ashi – consider the Torah obligation of *sefira* dependent upon the existence of a Temple. They argue only as to the nature of the rabbinic enactment to commemorate the counting after the Temple's destruction. Whereas Mar Bar Rav Ashi is prepared to relax the specific demands of *sefira* when it serves a merely commemorative function, the prevalent view insists that the Sages indeed mandated a carbon copy of the original *sefirat ha-omer*, which includes the counting of both days and weeks.

Several later writers have suggested various reasons for why Maimonides preferred his reading of the prevalent view, as denying Mar Bar Rav Ashi's basic assumption relegating *sefirat ha-omer* nowadays to the level of rabbinic obligation. The *Sefat Emet* (classic commentary to the Talmud by the second Rebbe of the famous "Ger" Chassidic dynasty) explained, quite simply, that nowhere in the Mishna is there any reference to a rabbinic ordinance to commemorate *sefirat ha-omer*. In Masekhet Rosh Hashana (31b), the Mishna records that Rabbi Yochanan Ben Zakai, the esteemed rabbinic leader of the generation of the Second Temple's destruction, enacted several commemorative measures after that tragic event to sustain the memory of the Temple and its rituals. Tellingly, the Mishna does not mention any enactment regarding the *omer* counting. This conspicuous omission, the *Sefat Emet* speculates, perhaps prompted Maimonides to deny the need for any rabbinic legislation in this regard, as the Torah obligation of *sefira* remained in effect even with the advent of the Temple's destruction.

## **The Relationship Between *Sefirat Ha-omer* and *Korban Ha-omer***

Until now, we have approached this debate between Maimonides and other Rishonim strictly in terms of the relevant Talmudic source. Now, let us turn to the conceptual issues at stake. What might these divergent views reflect concerning the fundamental nature and definition of the *sefirat ha-omer* requirement?

Instinctively, we might hinge this debate on the question as to the relationship between *sefirat ha-omer* and the *korban ha-omer*. As we mentioned earlier, the Torah introduces the obligation to count in the context of the special sacrifices of Pesach – the *korban ha-omer* – and Shavuot – the *korban shetei ha-lechem*. In fact, the Torah explicitly requires that we count specifically "from the day when you bring the *omer* of elevation," and it emphasizes that upon the completion of the counting, "you shall offer a new offering of grain" – the *korban shetei ha-lechem* of Shavuot. Accordingly, we might approach the obligation of *sefira* as essentially a component of the Pesach-Shavuot sacrificial structure. The Torah requires a sequence of events consisting of the *omer* sacrifice, followed by a "countdown" to the next offering of new grain – the *korban shetei ha-lechem*. Naturally, then, the *sefira* obligation would depend on the rest of this structure. Once the Temple was destroyed and these special sacrifices (like all sacrifices) were discontinued, the obligation of *sefirat ha-omer* became likewise inapplicable. For this reason, most Rishonim limited the Torah obligation of the *omer* counting to the times of the *Mikdash*, when the *omer* and *shetei ha-lechem* offerings were brought. In the Temple's absence, this entire sacrificial system – which includes *sefira* – is suspended, and thus *sefirat ha-omer* ceases to apply at the level of Torah obligation.

Maimonides, then, would apparently advocate an independent, self-contained role of *sefirat ha-omer*. In his view, the association implicitly drawn by the Torah between the counting of the *omer* and the *omer* sacrifice does not extend beyond the tangential issue of schedule. The counting begins on the day of the *omer* offering, but is not integrally related to it. Hence, we should not expect any dependent relationship between these two mitzvot, and Maimonides thus naturally applies the Torah obligation even in the absence of the *Mikdash*, when the *omer* sacrifice cannot be brought.

### **The *Divrei Malkiel***

Among the scholars who advocate this explanation of the debate is Rabbi Malkiel Tzvi Halevi, more commonly known as the "Lomza Rav," who authored a classic work of responsa entitled *Divrei Malkiel*. In one of his responsa (1:94), he addresses this debate between Maimonides and other Rishonim, and develops the basic approach described above, whereby Maimonides sees *sefirat ha-omer* as an independent obligation, while the other authorities view it as part of the sacrificial structure of the *korban ha-omer*.

In this vein, the *Divrei Malkiel* suggests a logical explanation for Maimonides' reading of the aforementioned passage in the Talmud. Recall that according to Maimonides' reading, the majority of Amoraim required counting both days and weeks because counting constitutes a Torah obligation even after the Temple's destruction. Other Rishonim understood this view as conceding the rabbinic origins of post-Temple *sefira*, only insisting that the rabbinic enactment requires following the same format as the actual counting mandated by the Torah obligation. The *Divrei Malkiel* contends that Maimonides could not accept this reading because it is, in his view, inconsistent with the conceptual principle upon which it is based. As suggested above, if the Torah obligation applies only when the Temple stands, this dependence stems from an integral connection between *sefirat ha-omer* and the *korban ha-omer*. Now if, indeed, such a connection exists, then in the absence of the *Beit Ha-mikdash*, the counting of the *omer* cannot be performed in its proper format. Since *sefira* constitutes, according to this position, an integral component of the *omer* offering, the suspension of the latter necessarily renders the counting inherently deficient. The *Divrei Malkiel* reasons that if the Sages nevertheless instituted a commemorative counting, they certainly would not insist on an exact replica of the original counting performed during the

times of the Temple. Since in any event post-Temple *sefira* deviates significantly from the mitzva's context as envisioned by the Torah, it seems unreasonable for the Sages to require a precise parallel in the commemorative *sefira*. Therefore, Maimonides could not accept the possibility of a commemorative counting that demands mention of both days and weeks, in order to accurately correspond with the original counting conducted during Temple times. Necessarily, then, the view in the Talmud requiring counting both days and weeks considers *sefira* a Torah obligation even after the destruction of the *Mikdash*.

### Rabbi Chayim of Brisk

In any event, the revered Rabbi Chaim Soloveitchik of Brisk (19<sup>th</sup> century; acknowledged as one of the foremost scholars and elucidators of Maimonides' *Code*) rejected this entire approach to this debate between Maimonides and other Rishonim. (This discussion of "Reb Chaim," as he is more commonly known, was recorded by his son, Rabbi Yitzchak Zev Soloveitchik, as documented in *Chiddushei Ha-Griz* to Masekhet Menachot, and by his grandson, Rabbi Yosef Dov Soloveitchik, as documented in Rabbi Herschel Schachter's *Mi-pninei Rabbenu*, pp. 266-7.) Reb Chaim poses one simple argument to refute the aforementioned analysis, which presumes that once we view *sefirat ha-omer* as part of the halakhic framework of *korban ha-omer*, the suspension of the latter necessarily yields the suspension of the former. If this were the case, Reb Chaim argued, then even when the *Mikdash* stood, in years when the *korban ha-omer* was not, for whatever reason, offered in the Temple, the obligation of *sefira* would not apply. Once we establish *sefira*'s absolute dependence on the *omer* offering, then this dependence should be manifest in all situations of the offering's suspension, even during the time of the *Beit Ha-mikdash*. And yet nowhere in Talmudic literature, Reb Chaim observes, do we find such a halakha, canceling the *sefira* obligation even in the times of the Temple should the *korban ha-omer* ritual go unperformed. Apparently, then, some other factor must be involved in this dispute between Maimonides and the other authorities.

We might add another challenge to the analysis presented above. According to that approach, Maimonides sees *sefirat ha-omer* as an obligation independent of the *korban ha-omer*. Such a perspective seems very difficult to accept. Besides the textual indications of a relationship between these two mitzvot, as discussed earlier, the name traditionally ascribed to the *sefira* obligation – *sefirat ha-omer* – suggests that it belongs to the general framework of the *korban ha-omer*. If the mitzva to count the days from the second of Pesach until Shavuot bore no relevance whatsoever to the *korban ha-omer* beyond their coincidental scheduling, why would the Rabbis refer to it as "*sefirat ha-omer*"? Seemingly, this title itself points to a fundamental relationship of sorts between *sefira* and the *korban ha-omer*. What more, Maimonides himself appears to point to such a relationship, at least implicitly. He discusses the laws of *sefirat ha-omer* in Hilkhot Temidin U-musafin – alongside the halakhot of the *korban ha-omer*. Meaning, he includes *sefirat ha-omer* within his code of sacrificial laws, rather than in the book of *Zemanim* – the volume of the *Code* discussing Shabbat and festivals. This arrangement appears to reflect the sacrifice-oriented nature of this obligation, its inclusion under the basic rubric of the *korban ha-omer*. We should perhaps conclude, therefore, that despite Maimonides' extension of the Torah obligation of *sefira* to the post-Temple era, he, too, views this mitzva as a component of the *korban ha-omer*, rather than an independent obligation. Somehow, it seems, *sefira*'s role as part of the *korban ha-omer* system does not undermine its significance even in the absence of the *korban ha-omer*.

Reb Chaim therefore explained that what's at stake here is a different question: the theoretical possibility of offering sacrifices even after the Temple's destruction. In one of his more famous rulings, Maimonides establishes that the site of the *Beit Ha-mikdash* retains its halakhic status of sanctity even centuries after its destruction at the hands of the Romans (Hilkhot Beit Ha-bechira 6:14-16). In principle, sacrifices can be offered there even today, since the site's halakhic sanctity does not depend on the existence of the physical structure. Later writers identified other, pragmatic factors that prevent us from offering sacrifices, such as uncertainties regarding the

particular location of the altar, the questionable lineage of *kohanim*, and so on. Fundamentally, however, in Maimonides' view, the Temple's destruction did not affect the halakhic possibility of bringing sacrifices.

Reb Chaim contended that this theoretical possibility of offering sacrifices, including the *korban ha-omer*, suffices to sustain the Torah obligation of *sefirat ha-omer* even in the Temple's absence. Maimonides, too, views the *sefira* obligation as a component of the broader system of the *korban ha-omer* and *korban shetei ha-lechem*. This does not mean, however, that anytime the *korban ha-omer* is not actually offered the *sefira* obligation is likewise suspended. For so long as the *korban ha-omer* obligation fundamentally exists, the *sefira* obligation also applies, regardless of whether or not the *korban* actually makes it onto the altar. Thus, Maimonides, who acknowledges the theoretical possibility of offering sacrifices even after the destruction of the *Mikdash*, considers *sefira* a Torah obligation even in the Temple's absence. The other authorities dispute his position because they deny the intrinsic halakhic sanctity of the site of the Temple after its destruction. Thus, the possibility of offering sacrifices does not exist even in principle, and the obligation of *sefira* therefore does not apply.

## Practical Application

A cardinal rule in Halakha distinguishes between Torah laws and those ordained by the Rabbis with respect to situations of *safek* – a halakhic doubt. Generally speaking, when halakhic uncertainties arise, we may follow the lenient possibility with regard to rabbinically-ordained obligations and prohibitions, while issues of Torah law must be handled in accordance with the stringent possibility.

One very common area in which this distinction becomes relevant is the period of time known as *bein ha-shemashot*, roughly translated as "twilight." The Talmud states in several places that the period of time between sunset and nightfall constitutes a halakhic anomaly of sorts; its status as either day or night for halakhic purposes cannot be definitively determined. As a rule, therefore, our treatment of this time frame depends on the issue at hand. On Friday afternoon, for example, one may perform during *bein ha-shemashot* activities forbidden by the Rabbis on Shabbat, whereas he must refrain from Biblically-proscribed activities.

Returning to *sefirat ha-omer*, then, the debate between Maimonides and the other Rishonim would manifest itself in the question of counting *omer* during the period of *bein ha-shemashot*. Maimonides' position, which views *sefira* as a Torah obligation even today, would require waiting until nightfall before counting, rather than counting during the questionable period of *bein ha-shemashot* on the assumption that we may consider it nighttime. The other Rishonim, however, who view *sefira* nowadays as rabbinic in nature, would, presumably, allow the counting to be performed during *bein ha-shemashot*, since with regard to rabbinic laws we may work on the lenient assumption that this period already marks the onset of nightfall.

Interestingly enough, the *Bei'ur Halakha* (in the passage cited earlier) takes note of the prevalent practice to delay counting until after *bein ha-shemashot*, and attributes this custom to our concern for Maimonides' view. Despite the fact that normative Halakha has accepted the predominant view among the Rishonim, nevertheless, the *Bei'ur Halakha* claims, we show deference to Maimonides' position by waiting until after *bein ha-shemashot* before counting the *omer*.

## *Sefirat Ha-omer in the Guide for the Perplexed*

Until now, we have focused exclusively on the formal, halakhic definition and classification of the mitzva of *sefirat ha-omer*. We will conclude this week's discussion with a brief analysis of Maimonides' approach to the broader philosophical underpinnings of this obligation, as he articulates in his *Guide for the Perplexed*:

The Feast of Weeks [Shavuot] is the anniversary of the Revelation on Mount Sinai. In order to raise the importance of this day, we count the days that pass since the preceding festival, just as one who expects his most intimate friend on a certain day counts the days and even the hours. This is the reason why we count the days that pass since the offering of the Omer, between the anniversary of our departure from Egypt and the anniversary of the Lawgiving. The latter was the aim and object of the exodus from Egypt, and thus God said, "I brought you unto Myself" (Shemot 19:14).

The counting of the *omer* is intended to bolster the importance of Shavuot, to express our eager anticipation of this festival, which commemorates our receiving of the Torah at Sinai. More specifically, it underscores the intrinsic relationship between the historical events marked on the festivals of Pesach and Shavuot – the Exodus and the Revelation. By counting the days from our departure from Egypt until the Revelation, we remind ourselves that the former served only to facilitate the latter. It is worth citing in full the verse from the Book of Shemot to which Maimonides briefly refers, in which God instructs Moshe to prepare *Benei Yisrael* for the Revelation. This preparation process begins with a reminder that they departed Egypt in order to become God's nation by accepting His law: "You saw what I did to Egypt, that I carried you on the wings of eagles and brought you unto Myself." Maimonides appears to interpret this verse to mean that all that God did to Egypt, the spectacular miracles He performed over the course of the entire story of the Exodus, were for the sole purpose of "bringing you unto Myself" – to bring them to Sinai, where they will become God's nation. We emphasize this function of the Exodus by linking it to Shavuot, through the counting of the *omer*.

There is room to assess the relationship between the philosophical understanding of the reason underlying *sefira*, as articulated in the *Guide*, and its halakhic categorization, as manifest in the *Code*. Recall that Maimonides appears to classify *sefirat ha-omer* in the *Code* under the rubric of the *korban ha-omer*, as the link between the *korban ha-omer* on Pesach and the *korban shetei ha-lechem* on Shavuot. This classification seems to cast *sefirat ha-omer* as strictly part of the sacrificial framework of these festivals, rather than an expression of their respective historical motifs. In the *Guide*, by contrast, Maimonides speaks of *sefira* strictly in terms of the historical themes of Pesach and Shavuot.

In principle, we can approach this disparity between the *Guide* and the *Code* in one of two ways. Firstly, we might simply isolate the two contexts from one another. Meaning, Maimonides' philosophical expositions in the *Guide* need not necessarily correspond to his halakhic presentation in the *Code*. Maimonides emphasizes in the *Guide* that the philosophical underpinnings of the commandments developed in that work account only for the generalities of the *mitzvot*, and certainly do not form the basis for all their details and nuances. In our case, then, the halakhic categorization of *sefirat ha-omer* in the *Code* need not, necessarily, correspond to its broader religious function, as explicated in the *Guide*.

Alternatively, we might speculate as to a possible correlation between the ritualistic nature of *sefirat ha-omer*, as championed in the *Code*, and its broader theological message developed in the *Guide*. Many writers throughout the ages have described the symbolic meaning underlying the *omer* and *shetei ha-lechem* offerings and their relationship to the historical themes of Pesach and Shavuot. Pesach marks the beginning of the barley harvest, and it was the first harvested *omer* of barley that was waved by the *kohen* and offered as the *korban ha-omer*. Shavuot marks the second, more significant stage of the harvest season – the wheat harvest, and the loaves of the *korban shetei ha-lechem* are prepared from the first sheaves of harvested wheat. In the ancient world, as expressed by *Chazal* in numerous contexts (see, for example, Rashi to Bamidbar 5:15), barley served primarily as animal fodder, whereas wheat was the food eaten by human beings. Hence, the Pesach-Shavuot agricultural process quite accurately reflects the historical process commemorated during this period. Just as the barley harvest of Pesach marks just the beginning stages of the harvest process, and the farmer anxiously awaits the climax of the season with the wheat harvest, so does the Exodus signify only the very earliest phase of *Am Yisrael's* development

into a nation. Despite our achievement of political freedom on Pesach, we still anxiously await the completion of the process on Shavuot, when we receive the Torah. *Sefirat ha-omer* thus reflects our awareness of this intrinsic bond between the Exodus and the Revelation, that we left Egypt not simply to enjoy freedom and self-determination, but to be able to stand at Sinai and commit ourselves unconditionally to God's law.

### ***Sefirat Ha-omer* and Contemporary Jewry**

Sadly, this profound message of *sefirat ha-omer* stands in stark contrast to the reality of Pesach and Shavuot observance among much of contemporary Jewry. Pesach, of course, is arguably the most widely celebrated Jewish festival among Jews today, while Shavuot most likely ranks among the least popular holidays. Evidently, the ideals of liberation, self-determination, and overthrowing oppression touch a responsive chord in the modern Jew, while the notion of unwavering, unconditional commitment to a strict religious system does not. The popularity of Pesach and the neglect of Shavuot signifies the loss of the fundamental message of *sefirat ha-omer*, which underscores the inextricable link between the two festivals. As Maimonides emphasizes, the freedom attained on Pesach has meaning and significance only to the extent to which it brings us to Sinai and culminates with our acceptance of the Torah. We mustn't feel content with the celebration of Pesach alone; that experience must be extended through the *sefira* period and the observance of Shavuot, when we recommit ourselves to the "wheat," the core and essence, of Jewish nationhood – God's Torah.