



The (Questionably) Interrupted Count

*"And you shall count for yourselves from the day after the Shabbos, from the day you have brought the Omer [of the Korban that is] waved; they shall be seven complete weeks."
(Vayikra 23:15)*

[Note: we will return to the topic of physician credibility next week. This week's essay relates to both Parshas haShavua and the current period of the Yemei haSefira.]

We will examine two fascinating questions relating to common scenarios and conditions and their ramifications on the Mitzva of counting the *Omer*.

There is a well-known important *Machlokes Rishonim* with regard to *Sefiras haOmer*. According to the majority of *Rishonim*, counting each individual day constitutes a separate Mitzva. However, according to the *Behag*, counting the forty-nine days comprises one Mitzva.

This *Machlokes* has a number of ramifications. If a person forgets to count one (or more) days, may he continue counting on the ensuing nights with a Bracha? According to the *Behag*, since he has missed a day he can no longer fulfill the Mitzva of "counting the fifty days", thus he may no longer recite a Bracha on the ensuing nights. However, according to the other *Rishonim*, since counting each day constitutes a Mitzva in its own right, he may continue counting with a Bracha.

The *Shulchan Aruch* (O.C. 489:8) rules that the *Behag's* view must be taken into account, therefore, although a person who forgets to count one day of the *Sefira* must continue counting on the ensuing nights in line with the view of the other *Rishonim*, he may not recite a Bracha, due to the opinion of the *Behag* who would consider it a *Bracha leVatala*. The *Behag* would also consider all the Brachos recited on the preceding nights to have been *Brachos leVatala* (*Chida, Avodas haKodesh, Moreh b'Etzba* 21).

Rav Ovadia Yosef *zt"l* (*Yabia Omer*, 1, Y.D. 21) cites a similar assertion of the *Noda b'Yehuda* (*Tinyana*, Y.D. 123, footnote). *Tosfos* (*Kesubos* 72a, s.v. v'Safra) ask why a *Zava* does not recite a Bracha on the Mitzva of counting *Shiva Nekiyim*.¹ They answer that since bleeding or an emission during the seven days will invalidate her count of *Shiva Nekiyim*, she should not recite a Bracha in case that occurs. The *Noda b'Yehuda* explains that *Tosfos* hold that her Brachos would become *Brachos leVatala*. In other words, although her count of *Shiva Nekiyim* is still intact when she recites the Bracha, if her clean days are interrupted, her Bracha will retroactively become a *Bracha leVatala*

¹ [Editor's note: The Torah commands a woman who becomes a *Zava* to count seven clean days and then undergo a purification process including immersing in "Mayim Chayim" and then bringing Korbanos. See Vayikra 15:25-30.]

since she must restart her counting from the beginning. Rav Ovadia argued that the same would apply to *Sefiras haOmer*, according to the *Behag*.

Many of the *Acharonim* disagree with this conclusion, arguing that if at the time of the Bracha he has fulfilled the Mitzva's criteria, and the days counted thus far can be counted towards his [expected potential] count of 49 days, there is no reason to consider it a *Bracha leVatala*, even if the count is later interrupted.

The *Shu"t Rav Pa'alim*² (3, O.C. 32) adds another reason why the Brachos should not be considered *Brachos leVatala*. He asserts that there is a notion of a "*Chatzi Shiur*" in Mitzva fulfilment. Thus, even if a Mitzva has a certain *Shiur* (in this case, counting 49 days), if a person fulfills part of the *Shiur*, he has fulfilled part of a Mitzva. The Brachos are thus not *Brachos leVatala* (even though, *Lehatchila*, one does not recite a Bracha on a partial Mitzva).³

The *Shulchan Aruch's* ruling raises a number of fascinating questions. First, if somebody knows that he is scheduled to undergo a surgical procedure during the *Sefira* that will lead to his being unable to count the *Omer* for one or more days, should he refrain from counting with a Bracha before the surgery since these Brachos may be considered *Brachos leVatala* according to the *Behag*? (We should note that it makes no difference that the reason that his count will be interrupted is due to an *Ones*, as explained by the *Kaf haChaim*, 489:93).

In fact, this question is even relevant according to the opinions cited above that the *Behag* would not consider the Brachos recited thus far to be *Brachos leVatala*. Since he knows ahead of time that his count will be interrupted, there would seem no reason to count with a Bracha until that point.

R' Ben Tzion Abba Shaul *zt"l* (*Or l'Tzion*, 1:36) has a profound *Chidush* on this topic. He maintains that the reason a person who misses a day of *Sefira* cannot count the ensuing days with a Bracha is not because counting all 49 days is one Mitzva (such that a person who misses a day cannot fulfill the Mitzva at all and thus cannot continue to recite a Bracha). Rather, it is because the Torah describes the weeks of *Sefira* as "*Temimos*", which teaches us that counting the *Sefira* must be performed in a continuum, without interruption. Therefore, if he misses a day he cannot restart his count, as it is no longer a continuous count. However, each day counted until this point constituted a Mitzva, even according to the *Behag*. Thus, even if a person knows that he will have to interrupt his count, he should count with a Bracha until he reaches that point.⁴

² R' Yosef Chaim of Bagdad (1834-1909), the author of the *Ben Ish Chai*.

³ The *Rav Pa'alim* uses this concept to explain why the *Chachamim* did not prohibit the recitation of a Bracha on each individual day of *Sefira* due to the concern that a person may miss a day.

⁴ Certainly, according to this reasoning, when a person misses a day, his Brachos on the previous days do not become *Brachos leVatala*.

Rav Shlomo Zalman Auerbach *zt"l* (*Halichos Shlomo*, Pesach, 11:9) concurs with this ruling, arguing that all the while that a person has an obligation to count with a Bracha he should do so, regardless of what will occur later.

Rav Shmuel Vosner *zt"l* (*Kovetz miBeis Levi* 3, p36) makes an additional argument as to why a person who knows he will need to interrupt his count should nevertheless count with a Bracha until that point. Somebody who is unsure whether he counted one of the preceding days, should continue to count with a Bracha, due to a *Sfek Sfeyka* (a double doubt). First, he may not have forgotten to count. Second, even if he did forget, the Halacha may not be like the *Behag* and one may recite a Bracha even after missing an earlier day (see the *Mishna Berura ibid.* 38).

Rav Vosner contended that a similar argument can be applied to our case. The person cannot be certain that his surgery will prevent him from counting *Sefira*, thus there is a *Sfek Sfeyka*: Perhaps the Halacha may not be like the *Behag*, thus his earlier Brachos will not become *Brachos leVatala*, even if he is unable to count on the day of his surgery. Second, the entire question may not begin as he may ultimately be able to count.

Rav Vosner's reasoning leads us to our second question.

Reuven is an Alzheimer patient who often forgets to perform tasks. On the 44th day of the Sefira he wonders whether he has counted all of the days until that point. In light of his condition, it is very likely that he has not. May he continue counting with a Bracha?

According to the above, one might have argued that he should continue counting with a Bracha, like any person who is unsure whether he has previously missed a day. However, that was only due to a *Sfek Sfeyka*, as explained above. In this case, while there is indeed a double *Safek*, one of the *Sfeykos* heavily skews to one side, as he commonly forgets things. It is therefore unclear whether the *Sfek Sfeyka* may be invoked.

The final ruling on this issue is that he may continue to count with a Bracha. The Poskim explain that while *Sfek Sfeyka* is mentioned as the reason a person may continue counting with a Bracha if he is unsure whether he missed a day, the main reason is that the Halacha does not follow the *Behag*. Therefore, while we are stringent and take the *Behag's* view into account in a case where one certainly missed an earlier day, we are not stringent in a case of doubt.

Rav Shlomo Zalman Auerbach *zt"l* (*Halichos Shlomo*, Pesach, *Orchos Halacha*, footnote 24) uses this argument to explain why we may invoke a *Sfek Sfeyka* in order to recite a Bracha, even though we usually rule "*Safek Brachos l'Hakel*". A case of *Sfek Sfeyka* is also a situation of doubt; why then do we not err on the side of caution and not recite a Bracha (see the *Mishna Berura* 215:20)? We must say that the reason to continue counting with a Bracha is not entirely due to a *Sfek Sfeyka*, but due to the fact that the Halacha is not truly in accordance with the *Behag*.

It would seem that this can also be applied to Reuven, the Alzheimer patient. Though it is likely that he has missed a day, it is still a case of *Safek*. If so, we may rely chiefly on the fact that the Halacha is not like the *Behag* and he may continue counting with a Bracha.

However, this argument appears to be contradicted by the following ruling of the *Mishna Berura* (*ibid.* 3):

Women and slaves are exempt from this Mitzva because it is a timebound Mitzva. The Magen Avraham writes, "However, they have already assumed it as an obligation". It seems that in our country women are not accustomed to counting. It is stated in the Sefer Shulchan Shlomo that at least they should not recite a Bracha because they will certainly err on one day, and the majority of them do not know the meaning of the words.

This implies that if a person has a good reason to suspect that he will forget and not count one of the days, he should not count with a Bracha in the first place.

However, one could distinguish between the cases. Women are exempt from *Sefiras haOmer*, though they had assumed it as an obligation. In that context, the *Shulchan Shlomo* ruled that they should count without a Bracha lest they miss a night. However, if women would have been obligated in the Mitzva he would never have ruled as such.

[Regarding the Minhag of women counting Sefira. Some are accustomed to counting with a Bracha, such as those of the Steipler zt"l's family. Some say that men should be careful to remind them to count. The Minhag of the *Sefardim* is that women do not count at all, based on the *Zohar haKadosh*. Certainly *Sefardi* women may not recite a Bracha because *Sefardim* hold that women may not recite a Bracha on any *Mitzvas Asei shehaZman Grama*.]