

In Time, Out of Time, or Beyond Time? Women and Sefiras HaOmer

It is a well-known and oft-discussed feature of Jewish law that women are exempt from certain mitzvos, identified by the categorical name of *mitzvos aseï she-ha-zman gramman*, roughly translatable as “positive commandments that are caused by time,” or more loosely as “time-bound positive commandments.”¹ Many of these commandments and their applicability to women have been the subject of extensive discussion and debate. However, one mitzvah that is often overlooked in the debate, and perhaps forgotten, is the very mitzvah we most worry about forgetting: sefiras ha-omer.

At first glance, there should be nothing to talk about: sefiras ha-omer is clearly a time-bound mitzvah, if there ever was one. It is applicable only seven weeks a year. During that time, it is performed once a day, and that performance can only take place on that specific day of the omer. Further, according to some Rishonim, the obligation can only be fulfilled at night.² Aside from the technical details, sefiras ha-omer is uniquely pressured from a time perspective: as alluded to above, it brings with it the constant anxiety that if it is not accomplished within a certain window, there will be consequences for the entire year’s omer cycle, in the



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loss of a berachah and perhaps the mitzvah itself, in whole or in part. It would seem that there is more than enough reason to safely place this mitzvah in the time-bound category. Indeed, this is the position held by Rishonim such as the Rambam³ and the *Sefer HaChinuch*.⁴

And yet here, as is so often the case, we are surprised by the words of the Ramban. The Talmud, in a source that could be considered “*zman gerama*” due to its recent appearance in the Daf Yomi,⁵ provides a list of mitzvos that are obligatory upon women, as they are non-time dependent. Commenting on this list, the Ramban observes that it is not exhaustive. There are mitzvos that are obligatory for women, and yet are not included, such as for example, *kibbud av v’eim*, *mora av v’eim*, and ... *sefiras ha’omer*.

The Ramban’s words demand attention both in terms of analysis and application. Regarding the latter, normative halachah appears to claim

that women are exempt from sefiras ha-omer as a time-bound mitzvah, but the matter does not end there.

Many of the Ashkenazic Rishonim⁶ are of the view that women are permitted to volunteer to perform the mitzvos that exempt them, and to do so with a berachah. Thus, it would seem that sefiras ha-omer, with a berachah, should be allowed, as the *Arukh HaShulchan* in fact maintains. Further, the *Magen Avraham* asserts that women have accepted upon themselves sefiras ha-omer as an obligation.⁷ Some⁸ compare this notion to the contemporary attitude toward the Ma’ariv prayer: despite the fact that the Talmud identifies it as a “*reshut*,” many Rishonim assert that it is now accepted as obligatory. While the position of the Ramban does not seem to dictate the halachah, it might be influencing practice nonetheless; it could be argued that this mitzvah, from among those that are time-bound, should be singled out for

voluntary acceptance in deference to his view, as sefiras ha-omer is unique among time-bound mitzvos due to the existence of a major authority who believes it is incumbent upon women.

However, the *Mishnah Berurah*⁹ asserts that the practice as he encounters it is against the *Magen Avraham*, and that women have no obligation in sefiras ha-omer, voluntary or otherwise. In addition, he asserts that the mitzvah should be differentiated from other mitzvos *shehzman gramman* in the other direction, in that women should not make a berachah, despite the view of the Ashkenazic authorities to allow such recitation. This view, which is attributed to the *sefer Shulchan Shlomo*, is explained by a concern that the woman in question will “certainly omit [at least] one day.”

This appears to be a reference to the view of Rishonim, adopted by the *Shulchan Arukh*,¹⁰ that one does not continue counting the omer with a berachah if one misses a complete day. The implication is that sefiras ha-omer is one integrated mitzvah of 49 counted days, and thus any omitted day invalidates the whole mitzvah, rendering a berachah unjustified. If that is true of the days after the omitted day, then it should also be true retroactively: all the earlier berachos were also unwarranted.¹¹ One who is obligated in the mitzvah has no choice but to assume this risk. However, if one is not obligated, perhaps this is not an appropriate candidate for volunteering, given the risk of multiple unjustified berachos.

However, it is possible to take a different view for a number of reasons. One possibility is the position of some authorities that there is no such thing as a retroactive *berachah le-vatalah*; any berachah that was justified at the

time of its recital is valid, regardless of anything that happens later to cast the relevant mitzvah into doubt.¹²

Further, there are those, such as Rav Soloveitchik, who understood the discontinuation of a berachah when a day is omitted in a fundamentally different way. In this understanding, the berachah is discontinued not because the mitzvah is one unit, but rather because counting cannot exist without building on a continuous preceding process. If so, the berachah is only problematic prospectively; there is no impact on any earlier day, and thus no reason to hesitate starting the count with a berachah, even if one knew that it was likely or even definite that a day will be missed down the line.

R. Yisrael David Harfenes¹³ was not worried about the *Mishneh Berurah*'s concerns, suggesting that it is possible to set up a system of reminders to mitigate the likelihood of forgetting a day. Further, after noting the possibilities mentioned above that there is no such thing as a retroactive *berachah levatalah*, or that sefiras ha-omer itself does not pose this issue, he observes that the *Mishneh Berurah*'s source, the *Shulchan Shlomo*, is itself not actually concerned about a retroactive *berachah levatalah*. Rather, examining that source in the original, it becomes clear that the fear was that the woman in question would miss a day, and would then continue counting with a berachah, unaware that it is against the accepted halachah. To this, R. Harfenes asserts, there is an easy remedy: teach the halachah in its totality, so she can count in confidence, and know what to do if a day is indeed omitted.¹⁴

Aside from the question of practice, there remains the task of

understanding the foundation of the Ramban's position: why, after all is said and done, should sefiras ha-omer be classified as a non-time-bound mitzvah? Attempting to answer this question could yield insights about sefiras ha-omer, about *mitzvos aseh shehzman gramman*, or both.

The bluntest approach to the Ramban is that of the *Shut Divrei Malkiel* (V, 65), who simply declares the statement to be a typographical error, a *taus sofer*. However, even a sweeping theory such as that needs to provide an alternative for what the text should have said, and thus we are given two possibilities: either it should have been included among the exemptions, rather than the obligations; or the text should have instead referred to the *bringing* of the omer, which, as a sacrificial offering, presumably applies to women as well.¹⁵

Others point to the majority view among the Rishonim (against that of the Rambam) that sefiras ha-omer is a Rabbinic mitzvah in the modern era, and that its original Torah mandate does not apply in the absence of the Beis HaMikdash. This fact may have both specific and general reasons for relevance. From a general perspective, some Rishonim maintain that only Torah mitzvos that are time-bound exempt women; this exemption does not apply to Rabbinic mitzvos, even if they are time-bound.¹⁶ This view is interesting, because one would have expected the rabbis to continue the Torah's policy in this area, as they generally pattern their enactments after Torah law. To draw a distinction in this way is to suggest that the Torah did not exempt time-bound obligations because of the fact of being time-bound, but rather exempted a small number of mitzvos

for other reasons, and they happen to be identifiable through the common feature of being time-bound.

A more specific relevance might be if the Rabbinic mitzvah is fundamentally different than the Torah mitzvah. Perhaps the rabbis

The word *tamim* has multiple connotations. In the context of *temimot* for sefirat ha'omer, it means whole. In the context of *tamim tihiyeh*, it means innocent or pure. R. Aharon Kotler, *Mishnat Rabbi Aharon Al HaTorah, Mishpatim*, notes that innocence and purity were key components of accepting the Torah. The Gemara, *Shabbat* 88a, records a conversation between a Tzduki (Sadducee) and Rava. The Tzduki criticizes Rava's nation for being foolish for accepting the Torah before listening to what was in it. What if the Torah would have been too hard to keep? Rava responds that we walk with *temimut* and lovingly accept the fact that God won't demand of us anything we can't fulfill. R. Kotler notes that Rava's attitude toward the acceptance of the Torah is the attitude that the Torah expects from all us as part of the mitzvah of *tamim tihiyeh*.

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did not simply continue the Torah obligation despite the lack of the Beis HaMikdash; rather, they mandated counting as part of a different, broader obligation to remember the Beis HaMikdash, a mitzvah that may not in its totality be time dependent.

Another avenue to pursue is the possibility that sefiras ha-omer has the properties of a time-bound mitzvah, but is nonetheless somehow imposed upon women by textual declaration (as is the case with Kiddush and matzah on Pesach night). To this end, attention is drawn to the verse¹⁷ that obligates both the counting of the omer and the bringing of the omer: these are to happen on the second day of Pesach, identified in the Torah as *mimacharas haShabbos*. R. Eliyahu Shlesinger¹⁸ notes that the Torah does not use a numerical date to place the obligation, distancing the mitzvah from a time period linguistically if not practically. The *Avnei Nezer*¹⁹ suggests that the linking to Pesach attaches the mitzvah of sefirah to the obligations of Pesach; as women are obligated in those, perhaps they also are included in sefirah. R. Avraham David Horowitz²⁰ suggests that since the bringing of the omer permits the eating of *chadash*, which is otherwise a prohibition, the whole package can be considered a negative mitzvah rather than a positive one, and women should be obligated for that reason.

Others suggest that the general exemption of time-bound commandments does indeed stem from the character of being time-bound (rather than that of being simply an identifying element, as suggested above), and within that perspective find reason to differentiate here. For example, the position of the *Abudraham* and the *Kol Bo* is that the

exemption is due to the concern that mitzvos that demand attention at a certain time will detract from family responsibilities. If so, some suggest, a mitzvah such as sefiras ha-omer, which is performed quickly with a simple verbal declaration, might be excluded from this category, or at least be an appropriate candidate for voluntary performance.²¹

Many of the above approaches share a fundamental difficulty. The Ramban, whose words provoke the entire discussion, does not say that sefiras ha-omer is an exception, but that it is simply not a *mitzvas aseih shezman grama*. Accordingly, the most fitting explanation would be one that addresses that element directly. The *Turei Even*²² provides a prominent example of this kind of approach. Building on the related example of *bikkurim*, he asserts that a mitzvah is only in this category when it could have by its nature been performed at any time, but the Torah imposed a limited timeframe. However, if the limitation is a response to a temporal reality, that is not called *zman gerama*. In this case, one can only count the days of the omer when they are actually happening (which is itself prompted by the bringing of the omer). Similarly, the *Sridei Eish*²³ expresses it by stating that the timing here is not the timeframe for the mitzvah, but rather the mitzvah itself.

This notion may have particular relevance to the mitzvah of sefiras ha-omer. It is possible to argue that the entire mitzvah of counting the omer is to take the existing calendar and superimpose upon it a new framework, one that doesn't mark time by any of the standard milestones, but rather by the perspective of anticipating the giving

of the Torah.²⁴ Thus, this mitzvah does not happen within time; rather, it transforms the nature of time itself. A specific day is no longer just a Tuesday, or a date in Iyar, but is identified as a step toward the receiving of the Torah. It becomes, in essence, a new vantage point from which all else can be perceived. The mitzvah is, in essence, not to let time define us, but for us to define the time.

Within that context, it is worth noting that a crucial word in the Torah's commandment of sefiras ha-omer is "*temimos*," meaning perfect or complete, a word that has had major impact on the practical application of this mitzvah. This word, in other forms, appears elsewhere in the Torah as well. It appears as a mitzvah, "*Tamim tiyeh im Hashem Elokekha*,"²⁵ which prohibits, among other things, consulting fortune tellers.²⁶ It is used to describe Hashem's instructions to Avraham Avinu,²⁷ and the Rabbinic literature also applies it to his wife Sarah. When Sarah dies, she is described as having lived "one hundred years and twenty years and seven years," and Rashi comments that they were all equally good. He is paraphrasing his Rabbinic source,²⁸ which in the original attaches the verse²⁹ "*Yodea Hashem yemei temimim*."

The message seems to be that *temimus* means taking control of time, rather than letting time control you. One who is *tamim* does not go to a fortune teller to ask "what will tomorrow do to me"; rather, he or she leads a consistently productive life because a meaningful structure has been imposed on top of the cycle of time.

R. Yehoshua Menachem Ehrenberg, in his *Shut Dvar Yehoshua*,³⁰ suggests that the inclusion of women in the mitzvah

of sefiras ha-omer is a function of its purpose. As the *Sefer HaChinuch* teaches, the reasoning behind counting the omer is to focus us on preparing for the receiving of the Torah. As the Torah was given to both men and women,³¹ the commandment to imbue our consciousness with this awareness should be performed by both men and women. Our encounter with the *dvar Hashem* is reflective of the preparation that we bring to it; it is our profound hope that we are able to use our time effectively and proactively so that when the moment comes, it will be all that it can be.

Notes

1. *Kiddushin* 29a.

2. See *Harerei Kodesh* to *Mikraei Kodesh*, *Pesach* 67:2, who dismisses this point because of the view of the Rambam and others that sefirah can be performed during the day; however, the question can be raised as to whether that is the actual fulfillment of the mitzvah.

3. See *Hilchos Temidin U'Mussafin* 7:24 and *Kessef Mishneh*.

4. *Mitzvah* 603.

5. *Kiddushin* 34b.

6. See Rama, OC 589:6.

7. OC 489:1; see also *Shut Shem MiShimon*, II, OC 4, pp. 11-14.

8. See *Eishel Avraham* to *Magen Avraham*; the *Minchas Chinuch*, 306, rejects this comparison, and finds the position of the *Magen Avraham* inexplicable. See also *Shut Devar Yehoshua* V:12.

9. OC 489:3.

10. OC 489:8.

11. This is the position of the Chida.

12. See, for example, *Shut Chasam Sofer*, YD 320.

13. *Shut Mekadesh Yisrael*, *Hilchos Sefiras HaOmer*, 3.

14. He further notes that this concern is not so great in the first place, because even if she did continue counting with a berachah, many Rishonim allow that in any event.

15. However, see R. Simcha Elberg, *Shalmei Simchah* II, 63, who questions this premise, after initially including it as part of a complex approach to explaining the words of the Ramban that also builds upon the view of Rabbenu Yerucham that sefiras ha-omer is comprised of two distinct mitzvos, one to count the days and one to count the weeks (and then positing that women are only obligated in one of the two).

16. See also R. Shlomo Wahrman, *She'eris Yosef* I, 17, and *Oros HaPesach*, 79.

17. *Vayikra* 23:15.

18. *Shut Shoalin U'Dorshin* I, 30.

19. *Shut Avnei Nezer* O.C. 384.

20. *Shut Kinyan Torah B'Halachah* V, 44.

21. See *Shut Dvar Yehoshua*, V, 12; see also *Shut Siach Yitzchak* (#222) who notes further the custom recorded by the Tur and the *Shulchan Aruch* (OC 493:4) that women did not do other labor during the time of sefiras ha-omer.

22. *Megillah* 20b.

23. II, 90, *inyan sheini*. See also *Divrei Yechezkel* 45:4.

See also other approaches in *Shut Perach Shoshanah*, 80; *Shut Beit Avi*, V, 20 and 23; *Marpei L'Nefesh* V, 28:11-14; the journal *Ohr Torah* (*Kol Aryeh*, II, 80 and 89); R. Moshe Tzvi Goldberg, in the journal *HaPardes*, II, 3:20.

24. A suggestion along these lines can be found in R. Shmuel Deutch, *Sefer Birkas Kohen al haTorah*, # 139, building on another comment of the Ramban.

25. *Devarim* 18:13.

26. *Pesachim* 113b.

27. *Bereishit* 17:1.

28. *Bereishit Rabbah* 58:1.

29. *Tehillim* 37:18.

30. V, 17.

31. See *Shemos* 18:3, with Rashi.