



Torah Thoughts from the YIGC Community

Women and the Mitzvah of *Sefiras Ha'omer*

Dov Frankel

The information set forth herein is for discussion purposes only. All halachic inquiries should be directed to Rav Naphtali Burnstein.

With the conclusion of Pesach, a number of *mitzvos* and related items are now in the rear-view window until next year. *Matzah*, *marror*, *sippur yetzias Mitzrayim*, and the *seder*, to name a few, have been (in a manner of speaking) packed away along with the Haggadahs and Pesach dishes. Still remaining, however, is the *mitzvah of sefiras ha'omer* – the mitzvah of counting the 49 days between the second night of Pesach and Shavuos. As is the case with many *mitzvos*, the mitzvah of *sefiras ha'omer* arrives with many interesting questions: (i) Is the mitzvah, as performed today, Biblical or Rabbinic; (ii) What are the rules if a boy turns 13 during the *sefira* period; and (iii) the always popular, How do I tell someone what night it is without actually “counting”? Interesting questions, all. But what about a more fundamental question: Are women included in the mitzvah of *sefiras ha'omer*?

At first glance, this seems to be a simple question. It is well known that women are generally exempt from *mitzvos asefira* (hereafter, “MZG”), often referred to as “positive time-bound commandments.” It would seem that a mitzvah that revolves around counting specific days (and weeks) is a textbook case of a MZG. Indeed, both the Rambam (*Hilchos Temidin U'Mussafin* 7:24) and the *Sefer Hachinuch* (Mitzvah 603) clearly state that women are exempt from *sefiras ha'omer*. The *Kesef Mishneh* on the Rambam explains that the reason women are exempt from this mitzvah is because it is a MZG. End of the story, right? Not so fast.

In Kiddushin 34a, the Gemara lists a number of *mitzvos* that are not MZG, including *mezuzah*, *maakeh*, *hashavas aveida*, and others. The Ramban explains that the list is not exhaustive, and proceeds to add additional *mitzvos* to the category, including *kibud av v'eim*, *mora av v'eim*, *hafrashas challah*, *bikkurim*, and – wait for it – the mitzvah of *sefiras ha'omer*. But how can *sefiras ha'omer* be anything other than a MZG? Indeed, much ink has been spilled in trying to understand the Ramban's position.

In his classic responsa on the *Shulchan Auch*, the *Avnei Nezer* (O.C. 384), Rav Avraham Bornshtein, suggests that the mitzvah of *sefiras ha'omer* is linked to the other *mitzvos* of Pesach; just as women are obligated to eat *matzah* and *marror*, to drink four cups of wine, and to tell the story of *yetzias Mitzrayim*, they are also obligated in the other mitzvah related to Pesach – the mitzvah of *sefiras ha'omer*. Alternatively, Rav Avraham Horowitz (*Shut Kinyan Torah B'Halachah*, V, 44), suggests that since the

bringing of the *omer* permits the eating of *chadash* (new grain), which is otherwise prohibited, the whole “*omer* package” – including *sefiras ha'omer* – may be viewed as a negative mitzvah. Consequently, the MZG exemption, which only applies to positive *mitzvos*, would not apply to *sefiras ha'omer*. While these answers help explain why women would be obligated in the mitzvah of *sefiras ha'omer*; they do not directly address the question on the Ramban: why wouldn't *sefiras ha'omer* be timebound?

Others, following the view of several *Rishonim*, assert that, in the absence of the *Beis Hamikdash*, the mitzvah of *sefiras ha'omer* performed today is Rabbinic (unlike the view of the Rambam), and that a women's exemption from MZG is limited to Biblical *mitzvos*. (See Rav Shlomo Wahrman, *She'eris Yosef* I, 17 and *Oros Hapesach*, 79.) While this approach comes closer to addressing our question on the Ramban, it raises another question. If the Ramban agrees with this approach, why didn't he simply include the words “*mitzvos d'rabbanan*” in his explanation of the Gemara in Kiddushin instead of specifying *sefiras ha'omer*?

Rav Yechiel Yaakov Weinberg, the author of the *Seridei Eish*, presents a simple (his words, not mine) yet novel approach to the Ramban. In *Chidushei Baal Seridei Eish* (Kiddushin 17), Rav Weinberg defines a MZG as a mitzvah that has a set time that serves as a framework for its performance, such as *matzah*, *lulav*, or *succah*. But *sefiras ha'omer* is different because the time itself (emphasis added) is the essence of the mitzvah – we are commanded to count these 49 days between Pesach and Shavuos. Consequently, Rav Weinberg asserts that the mitzvah of *sefiras ha'omer* is simply not a MZG. In the same vein, Rav Weinberg asserts that one who counts more than 49 days has not violated the prohibition of *bal tosif* (adding to a mitzvah), because the mitzvah is not to simply count 49 days, but to count these (emphasis added) 49 days between Pesach and Shavuos; counting beyond those days is not a mitzvah act at all and is therefore not subject to *bal tosif*.

A most novel approach is taken by the *Shut Divrei Malkiel* (V,65), who suggests that the confusion regarding this Ramban is simply the result of a scribal error. He suggests two alternatives: (i) that instead of the abbreviation סה"ע, referring to *sefiras ha'omer*, it should have read נת"ע, referring to the *matnos ani'im* (gifts to the poor); or (ii) that the abbreviation is correct as written, but stands for *seder ha'avodah*, that women are obligated to bring *korbanos*. In either case, he suggests, the Ramban never actually said women are obligated to count *sefiras ha'omer*.

Pathways in Torah

Sarah Rudolph

Vayikra 26:3-4 seems fairly straightforward: “If you follow My laws and guard My commandments and do them, then I will give your rain in its time...” The Torah makes this sort of statement in other places too, and it’s easy to let our eyes just glaze past it. It is particularly striking, in that light, to note that the Ohr Hachaim expounds on verse 3 at length, extracting out over 30 distinct ideas from these few words.

One of them, in fact, is a beautiful piece of meta-exegesis that addresses the very potential to derive so much meaning from one verse. It begins with a question cited from the *midrash halacha* on Vayikra, which also answers it: If the word “חוקותי” is just a general word for “My laws,” what is added by using both that and the word “מצוותי,” “My commandments?” The midrash concludes that “חוק” here is actually a reference to one specific law – the law – namely, *ameilut baTorah*, being engrossed in learning Torah.

The Ohr Hachaim has several questions about this *midrash*, along with many answers. For instance:

Why use a plural word to refer to one law?

Why use the word “תלבו,” “you shall go,” specifically in connection with the act of Torah study?

Among the many explanations he offers is one rooted in an idea he cites from the Zohar, that many of us may have learned at a young age but may not fully appreciate: “The Torah has four paths, namely, *peshat*, *remez*, *derash*, and *sod*. And from these, *shivim panim* (‘70 faces,’ or facets) separate, and each of those to a number of paths and trails and lanes.”

Torah wisdom – and therefore, the pursuit of it – is so multifaceted that we cannot refer to it in the singular; it is inherently a plurality and does indeed deserve being referred to by the plural “My laws.”

If that is the case, one might further contend that following only one of the paths doesn’t count fully as Torah study.

“*Bechukotai telechu*” – “you shall go in My laws”: Follow the multitude of paths of Torah – all of them! If Torah study involves

many paths, then engaging in Torah study involves walking down all of them.

The Ohr Hachaim’s analysis calls us to consider deeply the concept of *pardes* (the acronym for *peshat*, *remez*, *derash*, and *sod*) and the idea of the Torah’s “70 faces” – and the exponential vastness implied by these traditions of multiple interpretations, as well as the responsibility that vastness places upon us. As the Ohr Hachaim says further, “one should not say there is nothing in Torah except the *peshat* that is understood by all.”

That line resonates deeply. Too often, we read a Torah text superficially – or even not superficially, but delving only into one approach – and move on. Often, even if we have questions, we fail to pursue them. “Hm, I wonder what the reason is for that halacha? Okay, moving on...” “That midrash seems so farfetched; those details aren’t anywhere in the text! Oh well, that’s just midrash.” But if we leave it there, we haven’t learned anything at all. Every *pasuk*, every bit of *derash* – in fact, every bit of *peshat* too – has innumerable little paths branching off from it. We think we understand? We think we’ve got the “*peshat* that is understood by all”? We’ve barely begun.

Even if we don’t understand yet, even if we think we understand already, even if we think we’ll never understand, even if we think there’s nothing there to understand – we are duty-bound to keep going. It’s a law. It’s **the** law.

Of course, no one can follow every path of every detail of Torah – but we can at least remember that they are there, and that we are not done.

And we can strive to find the sparks of insight and relatable, penetrating meaning by following as many of those paths of interpretation as we can. By questioning and searching and never letting up, but always searching for the paths that will engrave (חוק – another connection to the word חוק that Ohr Hachaim notes) Torah ever more deeply into our souls. By simply remembering that there is more to learn, even when we are not (yet) able to learn it; by acknowledging there is more to every bit of Torah than “the *peshat* that is understood by all.”

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Devorah bat Chaim

Rabbi Moshe Berger
Scholar in Residence
(216) 533-5233
moshe@mberger.com

Sarah Rudolph
Editor
(216) 291-8918
schrudolph@gmail.com

Ronnie Shulman
Sponsorships
(614) 507-3855
rshulman1@gmail.com

YOUNG ISRAEL OF GREATER CLEVELAND

Rabbi Naphtali Burnstein, *Rabbi*
Rabbi Aharon Lebovics, *Associate Rabbi (Hebrew Academy)*
Yank Gecovich, *President*

Beachwood Branch
2463 S. Green Road
Beachwood, Ohio 44122

Hebrew Academy Branch
1860 S. Taylor Road
Cleveland Heights, Ohio 44118

