



Counting Sefira Somewhat Early

לעילוי נשמת
 יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

Question: My *shul* davens *Mincha* right before sunset and *Ma'ariv* right after it. During the *sefira* period, may I rely on *sefirat ha'omer* done at that time?

Answer: We find different starting times for *mitzvot* of the night/next halachic day. The time for evening *Kri'at Shema* is *tzeit hako-chavim* (=tzhk; the emergence of three stars) (Berachot 2a; Shulchan Aruch, Orach Chayim 235:1). The main *mitzvot* of *Seder* night are also from *tzhk* (Rosh, Pesachim 10:2). In contrast, one may make *Kiddush* on Shabbat from *plag hamincha*, well before sunset (Shulchan Aruch, OC 267:2), and according to many, can also daven *Ma'ariv* then (Berachot 27a; Shulchan Aruch and Rama, OC 233:1).

Regarding *sefirat ha'omer*, the Rashba (Shut I:154) posits that counting while it is still daytime is worthless, because the number day counted is wrong, and one must repeat it at night. He and the Shulchan Aruch (OC 489:2) say that “those who are careful” count after *tzhk*.

However, there are halachic indications for leeway. The Avudraham (see Beit Yosef, OC 489), says that one who davens in a *minyán* for *Ma'ariv* before the end of the day, counts with them without a *beracha* and should plan to

repeat the counting at night with a *beracha*. He explains that he should do this with intention that if he forgets to repeat it later, the earlier counting can be of some value. The Beit Yosef is skeptical of this condition's efficacy, but he cites the *halacha* anyway (Shulchan Aruch ibid. 3). The assumption, though, is that we do not want to rely on the early *sefira*.

However, regarding *bein hashemashot* (=bhsh), between sunset and *tzhk*, there is significant room for leniency, especially because it is likely that *sefirat ha'omer* in our times, when no *korban ha'omer* is brought, is only a Rabbinic obligation (see Tosafot, Menachot 66a; the Rambam, Temidin 7:24 posits it is still from the Torah.) The Magen Avraham (489:6) says one who counted during *bhsh* fulfills the *mitzvah*. The Mishna Berura (489:14) explains that since *bhsh* is a *safek* of whether it is night or day and since we assume the *mitzvah* is Rabbinic, leniency is understandable.

However, many *poskim* frown upon counting during *bhsh*. Some warn against dismissing the Rambam's opinion that the *mitzvah* is still from the Torah (see Eliya Rabba 489:10). Others point

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out that we avoid relying on doubts regarding Rabbinic *mitzvot* when we can do them without doubt; this is especially so when a *beracha* is involved and when one night of invalid *sefira* can disqualify future nights' *sefira* and their *berachot* (see Divrei Yatziv, OC 214).

The exact time of your *shul's sefira* can be impactful. The earliest time that might be *tzhk* is 13.5 minutes after sunset (there are different opinions, by a few minutes, of when sunset is in hilly regions); many posit that *tzeit* is approximately 20 minutes after sunset. On the other hand, according to Rabbeinu Tam's approach (albeit our communities mainly do not factor it in to their decisions), *bhsh* starts only around an hour after sunset.

There are often strong communal reasons to have no break or a short one between *Mincha* and *Ma'ariv*, and these can justify an earlier than ideal *sefirat ha'omer*. For the individual, the best practice from a purist perspective is to count on the basis of the "*sefira* leader's" *beracha* (who should have in mind to be *motzi* anyone who wants/needs it – see Pri Chadash, OC 489:8) and then repeat the *sefira* without

a *beracha* when it is definitely time. This is different from the Avudraham above who had people do their main *sefira* at night without a *minyan* and the earlier counting was "just in case." Here, we assume the main counting is during *bhsh* with the *tzibbur* (it is generally better to count with the *tzibbur* – see Ba'er Heitev, OC 489:20; Minchat Yitzchak IX:56) and the repetition is in case it had been too early. Nowadays, if one uses apps and alarms to remind him to count, there is little room for concern. If one is self-conscious about just answering *amen* or fears it can be divisive, he may join the community's practice and make the *beracha* during *bhsh*. ■

Having a dispute?



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