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Is Acknowledgment of Lag BaOmer Considered Counting?

Question: If one mentions, before intentionally counting the Omer, that “Tonight is Lag BaOmer”, can he subsequently count with a b'racha?

Answer: As you assume, if one makes a declaration that nominally fulfills the mitzva of S'FIRAT HA'OMER – even without making a b'racha and without the intention to thereby serve HaShem – he subsequently may not recite S'FIRAT HA'OMER with a b'racha.¹ This is one of the cases in which we prefer to not have fulfilled a mitzva, so that we can still perform it properly by reciting a b'racha.

However, although the statement, “Tonight is Lag BaOmer” (henceforth, “the statement”) does include basic elements ordinarily needed to fulfill the

mitzva of S'FIRAT HA'OMER, it is possible that in this case one has not fulfilled the mitzva for a number of reasons.

First, there is an unresolved machloket regarding whether counting S'FIRAT HA'OMER by stating the day's numerical gematria (LAG = LAMED+GIMMEL = 33),² which is a secondary but accepted way of expressing numbers, is valid for S'FIRAT HA'OMER.³ It is therefore questionable whether the statement fulfills the mitzva.

Second, the statement does not include mention of the weeks of counting. The Acharonim debate whether one who has mentioned only the days and not the weeks has fulfilled his mitzva (starting with day seven). The matter relates to AMEIMAR's opinion⁴ that there is no need to count weeks at a time when there is no Beit HaMikdash in which to offer the KORBAN HA'OMER.⁵ The Mishna B'rura⁶ concludes that one who mentions only the days should count again properly, but this case lacks the level of certainty to justify a new b'racha.⁷ (According to the Eliya Rabba,⁸ the problem of leaving out weeks, which requires one to count again, applies only

¹. *Shulchan Aruch, Orach Chayim* 489:4.

². Use of the letters of the Hebrew alphabet as representations of numbers.

³. See *Sha'arei Teshuva* 489:6; see applications in *Living the Halachic Process*, vol. I, D-19.

⁴. *Menachot* 66a.

⁵. The sacrifice brought on the second day of Pesach as the first sacrifice from the year's new grain.

⁶. 489:7.

⁷. See *Sha'ar HaTziyun* 489:9.

⁸. 489:14.

on days when the number of weeks changes – e.g., 28, 35).

The strongest reason to discount the statement as a possible fulfillment of the mitzva is that when one says it, he almost certainly does so without having in mind to fulfill the mitzva of S'FIRAT HA'OMER. The Shulchan Aruch⁹ rules that one does not fulfill a mitzva in the absence of intent to do so, and the statement therefore should not prevent one from counting afterwards with a b'racha. However, another halacha in the Shulchan Aruch¹⁰ seems to contradict this: If one is asked before counting what day of the Omer it is, he should answer what day yesterday was, because stating the current day compromises his ability to count later with a b'racha. The Taz¹¹ says that the Shulchan Aruch must mean that avoiding saying the day's count is just a stringency; if one were to say the current day, due to the lack of intention, he would b'di'eved count with a b'racha later. However, many point out that the Taz's claim does not fit the Shulchan Aruch's language. The Magen Avraham¹² says that one should not make a b'racha if he mentions the day's count without intention to fulfill the mitzva, due to the

opinion that intention is not critical for mitzva performance and the view that S'FIRAT HA'OMER is fulfilled without intention because it is only a Rabbinic obligation.¹³

While each individual reason to allow counting with a b'racha after the statement is debatable, the combination of these reasons makes that prospect convincing in two possible ways. First, in other contexts, poskim¹⁴ maintain that when there are specific indications that one intends to not fulfill a mitzva, he indeed does not fulfill it. In the standard case, when “Lag BaOmer” is used as the name of a semi-holiday, as opposed to as the gematria of the count, the statement would be precluded from fulfillment of the mitzva and a b'racha could be made later.¹⁵ The Mishna Berura¹⁶ says that we would accept the aforementioned logic of the Taz in cases in which the week should have been mentioned and was not. Second, the coinciding of factors may create enough doubts against the chance that the mitzva was fulfilled to justify a b'racha. Indeed, according to many opinions, we find cases in which we make a b'racha on S'FIRAT HA'OMER when S'FEIK S'FEIKA¹⁷ indicates its

⁹. *Orach Chayim* 60:4.

¹⁰. *Orach Chayim* 489:4.

¹¹. *Orach Chayim* 489:7.

¹². 489:8.

¹³. See *Yechaveh Da'at* VI:29.

¹⁴. Including *Bi'ur Halacha* to 489:4; *Eliya Rabba* op. cit.

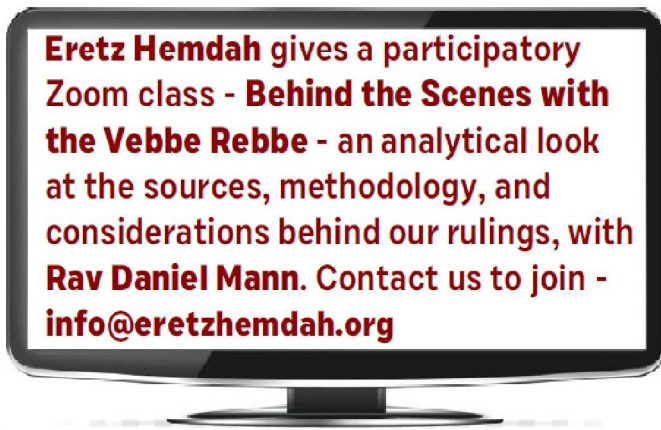
¹⁵. *Kaf HaChayim, Orach Chayim* 489:30.

¹⁶. 489:22.

¹⁷. A double doubt, i.e., a certain halachic ruling is correct unless two doubts are **both** resolved in a manner that indicates otherwise.

appropriateness.¹⁸ (However, that halachic phenomenon likely does not apply to every set of doubts.¹⁹)

In short, it is unlikely that one has fulfilled S'FIRAT HA'OMER by noting that the day is Lag BaOmer. Therefore, one who has done so may still subsequently count with a b'racha. However, it is worthwhile to avoid such a statement before counting and, when easily feasible, to rely on someone else's b'racha if he did.



¹⁸. *Shulchan Aruch, Orach Chayim 489:8; Mishna Berura 489:38.*

¹⁹. See discussion in *Yabia Omer IV, Orach Chayim 43.*