

## מצות ספירת העומר לשיטת הרמב"ם הרב עזרא נויברגר

It is well known that the gemara, when discussing Sefiras HaOmer, both in Menachos and Rosh Hashana says מצוה למימני יומי ומצוה למימני שבועי. There is a mitzvah to count the days as the posuk says (ויקרא כג, טז) as well as a mitzvah of (דברים טז, ט) שבעה שבועות תספר-לך. The Rambam in ספר המצות says that he holds this should be counted as only one mitzvah and in עשה קסא he explains why it should be different from תפלין where we consider the של יד and של ראש two separate mitzvos. His first reason is through making a diyuk in the לשון of מצוה למימני לשון - that it is simply stating the two parts of the מצוה חייב המצוה שבועי. Had it wanted to say two mitzvos, it would have said מצוה למימני שבועי מצוה. Additionally, he says that were they two separate mitzvos then the mitzvah of counting weeks would only exist at the culmination of a full week whereas we count the week every day (after Day 7) which shows it to be a single two-part mitzvah. The third proof Rambam brings is the fact that we only make one beracha which also shows it to be one singular mitzvah. This is clear שיטת הרמב"ם and how he counts it.

However, there is a question in the Rambam between ספר המצוות and ספר היד in how he describes the mitzvah. In ספר המצוות he first mentions the ימים and then the שבועות but in ספר היד he does the opposite. In עשה קס"א he states לספור but in ספר היד he starts off with הלכות תמידים ומוספין ז: כב. מצות עשה לספור שבע שבתות תמימות. Similarly, in ספר היד before הלכות תמידים ומוספין כתר the Rambam also only mentions the weeks as if that is the primary mitzvah- "לספור" כל איש ואיש שבעה שבועות מיום הקרבת העומר. Sometimes, there are seforim that want to argue that the Rambam was chozer from some of what he said in ספר המצוות when he wrote differently in ספר היד. However, here (and many other places) we cannot say this. The reason for this is because this סתירה appears within a few pages of the Rambam's הקדמה. He first brings the מנין הקצר of מצוות and then puts them in order of ספר היד and there too we find this discrepancy of counting days versus counting weeks, respectively.

There is a נתיב האדם (נתיב חמישי חלק הרביעי) in רבינו ירוחם that argues on the Rambam. He holds that in fact it should be counted as two separate mitzvos and even contends that בזמן הבית they made two separate berachos. He adds that the mitzvah to count the weeks nowadays is not דאורייתא (זכר למקדש) so we do not make a second beracha בזה, rather we include it in the beracha on the day counting. Rav Meir Simcha, in תמידין ומוספין, describes the שורש of the רבינו ירוחם base on a gemara

in ראש השנה: In explaining how the תשלומין for the קרבן חגיגה and ראייה can be brought for seven days, the gemara says because by Rosh Chodesh it says חודש ימים so you count days and then make Rosh Chodesh. However, by Shavuos you count and then make the יום טוב. Because you count seven weeks, therefore the יום טוב is seven days and if one did not bring those korbanos the first day, he may bring them during the seven-day span. Rav Meir Simcha explains that the two mitzvos according to רבינו ירוחם are two different concepts. The יום is to count to the day of Shavuos and on that Shavuos is one day, but in regard to korbanos it has the חלות of seven days which is why we count seven weeks. This is why the counting of weeks only applies בזמן הבית because that part is connected to the korbanos, whereas the day counting is דאורייתא even nowadays because it is connected to the יום טוב. I would like to point out that, although the Rambam clearly argues with רבינו ירוחם and holds that both parts are one mitzvah and counting the weeks is also בזמן הזה, he could agree to the basic idea from Rav Meir Simcha that there are two concepts in the mitzvah. (That the mitzvah of days is for the יו"ט and the weeks is for the korbanos.)

One more distinction we have between the Rambam in ספר המצוות and the יד is that when counting the mitzvah, he uses the term "לספור מקצירת העומר" by days but by the weeks he says "מהקרבת/מהבאת העומר". I would like to suggest that although the Rambam holds it is one singular mitzvah, he does understand that there are these two הבנות and מוסגים in the mitzvah. This will reflect which one of them is the עיקר. In ספר המצוות he puts the mitzvah in the סדר of the מועדים with קידוש החודש, חג המצות, and the rest of the יומים טובים. However, in the יד he does not put it in זמנים, rather he records it in תמידין ומוספין as part of the korban. So, I understand that the יו"ט, the עיקר מצוה, unlike by the korban where the עיקר is the שבעה שבועות. I do not know why he decided which one goes in the יד or the ספר המצוות, but once he made that decision he alters which part of the mitzvah is the עיקר - the 49 days or the 7 days.