

Rabbi Yitzchok Cohen

Reciting Le-Sheim Yichud Prior to Reciting Sefirah

It is the practice (*minhag*) in many *batei keneset* and *batei midrash* and by individuals before they recite the *berakhah* before counting *Sefirah* to say *Le-Sheim Yichud*.

This practice may be very questionable when one declares that his counting of *Sefirah* is in accordance with the *mitzvah* in the Torah of counting *Sefirah* from Pesach until Shavuot. Many *Rishonim* and other *poskim* believe that since the destruction of the *Beit Ha-Mikdash* the *mitzvah* of *Sefirat Ha-Omer* is only a *mitzvah de-rabbanan* and not a *mitzvah de-oraita*.

If this is in fact the case, one may be violating an *issur de-oraita* (a Torah prohibition) of *bal tosif*. One is not allowed to add prohibitions to the Torah's laws. The Rambam (in *Hilkhos Mamrim* 2:15) states if a *beit din* declares that cooking or eating *bsar of* with milk is forbidden *min ha-Torah* and is included in the *issur* of *lo tevasheil gedi bachaleiv imo* (the prohibition of cooking and eating and having pleasure from milk and meat), then the *beit din* violates an *issur* of *bal tosif*.

One is not permitted to add on *issurim* which are only *de-rabbanan* and label them as an *issur de-oraita*. According to this principle, if *Sefirat Ha-Omer* today is only a *Zeikher La-Mikdash* and not an obligation from the Torah, then how can we in reciting *Le-Sheim Yichud* prior to our performance of *Sefirat Ha-Omer* pronounce "*le-kayeim mitzvat aseh*" even though it is only an obligation *mi-de-rabbanan*?

One can answer this question by not saying *Le-Sheim Yichud* because of the problem of *bal tosif*. *Kelal Yisrael*, however, for many years has said this introduction; therefore one could give the following reasons why the recitation of *Le-Sheim Yichud* is not a problem of *bal tosif*. One could answer that the *issur* of *bal tosif* is only a *din* that applies to a *beit din* (as mentioned by the Rambam – if a *beit din* declares that a *din de-rabbanan* is of the status of *de-oraita*, that is considered *bal tosif*). The *mitzvah* of *Sefirat Ha-Omer* in our times was never declared as being a *mitzvah de-oraita*. One could also say that the Torah desired that even after *Churban Ha-Bayit* one should remember the *Beit Ha-Mikdash* by continuing to count the *omer* between Pesach and Shavuot. After we count *Sefirah* we recite *Yehi ratzon she-yibaneh Beit Ha-Mikdash*. This is an indication that *Sefirat Ha-Omer* is a remembrance of the times of the *Beit Ha-Mikdash* and also an expression of our *bitachon* in the rebuilding of the *Beit Ha-Mikdash*. There is no violation of *bal tosif* in our counting of *Sefirat Ha-Omer* and mentioning the fact that it is a *mitzvah de-oraita* since the Torah would agree to our continuous remembrance of the *Beit Ha-Mikdash*. This is what is meant by *u-sefartem lakhem mi-macharat ha-Shabbat*, one should continuously count *Sefirah* throughout the generations, which is an indication of our constant remembrance of the practices done during the times of the *Beit Ha-Mikdash*.