

### ***Shemittah and yovel count***

Every 7<sup>th</sup> year is *shemittah*, and every 50<sup>th</sup> is *yovel*.

One of the 613 commandments is to count the seven years of the cycle of *shemittah* and the 50-year cycle of *yovel* as it states, “You shall count off seven weeks of years—seven times seven years—so that the period of seven weeks of years gives you a total of forty-nine years.” (*Vayikra* 25:8) See Rambam (*Shemittah* 10:1) and Sefer HaChinuch (330).

This *mitzvah* is not upon each individual of *klal* Yisrael but is given to the *bes din hagadol*. The Rambam (*Esei* 140) and Sefer HaChinuch compare this counting to the counting of the Omer.

### **Timing**

When is this counting performed?

The Minchas Chinuch states that just like by the counting of the *omer* it is to be done at the beginning of each night so too the counting of the years should be done at the very beginning of the year which is the 1<sup>st</sup> night of Rosh Hashanah. And just like if one does not count at the beginning of the night he should count throughout the night (and even during the next day), here too the *bes din hagadol* that did not count the 1<sup>st</sup> night of Rosh Hashanah can count throughout the entire year.

The Minchas Chinuch adds that although the timing of when to count is comparable to each other, the similarity ends there.

Each night regarding the counting of the *omer*, we try to do count immediately as soon as it gets dark. The reason why we count as early as possible each night of the *omer* is because the Torah regarding the counting of the *omer* adds a word “*temimos*” (23:16). This means that the *omer* count should be as “complete” as possible. (This is why we do not make an early Shavuot because we want to complete it at the end as well and not cut it short.)

This word is **not** stated regarding the counting of the years and therefore there is no the reason that one is to count it immediately. However, the Minchas Chinuch states that the reason to count it as soon as possible – the 1<sup>st</sup> night of Rosh Hashanah – is because of the general rule to try to be a *zariz* when accomplishing *mitzvos*. However, this is more of a *mussar* idea than one of actual *halachah*.

The Minchas Chinuch adds another distinction between the two countings that is based on the word “*temimos*” being written by the *omer* but not by the counting of the years.

Regarding the *omer*, because it must be “complete” when one misses one day of counting on some level he can no longer fulfill the *mitzvah* (and he does not make the blessing when he continues the counting the next day). However, regarding the counting of the years, since it does **not** say that it must be “complete” even if for some reason the *bes din hagadol* did not count during an entire year they would be obligated to continue counting the years and be able to fulfill the *mitzvah*.

There might be an issue counting during the 1<sup>st</sup> night of Rosh Hashanah.

### **The Performance of the mitzvah of Kiddush HaChodesh**

A little background information is required to understand the next question.

The moon disappears from human sight for a short time at the end of each (lunar) month. It then slowly reappears. The crescent moon then grows until the middle of the month where it is then a “full moon” and then once again begins decreasing in size until it disappears again for a short time before reappearing and starting a new month again.

When two witnesses testify to *bes din* that the first phase of the new moon appeared, the *bes din* announces the start the new month. Usually, the witnesses would see the new moon at night and then travel to *bes din* to testify, the actual testimony would be done the next day – the courts were not in session at night.

When the *bes din* would sanctify the new month, the declaration would have the affect that the new month would be sanctified from the previous night (when the witnesses actually saw the moon appear) because we do not start a month midday.

This means in general only on the first day of the month, after the sanctification of the month is when people become aware when the new month actually begins.

So technically, in most cases during the first night of Rosh Hashanah, it is still in doubt if they will sanctify the month the next morning.

Can one count “the new year” when they are unsure whether the new year has even begun?

Maybe it would make sense for the *bes din* to count ***after*** they officially declare the new year?