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In memory of their parents Dr. Irving & Mrs. Bernice Mehler & Mr. Gedalja & Mrs. Miriam Zupnik

לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

## ***Birchos Hashachar for One Who Was Awake All Night*** ***Rabbi Mordechai Fleisher***

***Which birchos hashachar may one recite after remaining awake all night?***

***Does sleeping during the day make a difference?***

One of the familiar experiences of the holiday of Shavuos is the public recitation of all the *birchos hashachar* at the start of *shacharis* following the all-night study session of Shavuos. Since many will have stayed up all night, reciting some of the *birchos hashachar* poses a halachic problem. This year, due to the limits on public gatherings due to the COVID19 pandemic, finding someone to recite those blessings may pose a challenge. This article will explore which of the *birchos hashachar* do, indeed, pose an issue, and which can be recited despite having remained awake.

There are three main areas that need to be discussed: 1) The blessings of *al netilas yadayim* and *asher yatzar*, 2) *birchas haTorah*, and 3) the other *birchos hashachar*, which include *elokai neshama* and the series of 15 blessings that begin with *asher nasan lasechvi* and conclude with *hama'avir shaina*.

***Al netilas yadayim and asher yatzar:*** The blessing of *asher yatzar* does not pose a significant challenge, as one recites it after relieving oneself; the fact that one has remained awake all night does not affect that halacha, and one can simply recite the blessing after relieving oneself prior to davening.

*Al netilas yadayim*, however, is a bit more complex. There are two different reasons given for reciting *al netilas yadayim* in the morning. The Rosh (Brachos 9:23) states that since, while sleeping, one's hands inevitably touched a part of the body that require the hands to be washed, Chazal (our Sages) instituted that upon arising in the morning, one must wash the hands and recite *al netilas yadayim*. The Rashba (Responsa 1:191), however, states that upon arising after a night's sleep, a person is regarded as having been recreated, and one must express gratitude to Hashem for this – leading to the enactment of many of the blessings of *birchos hashachar*. Chazal also instituted that one must sanctify one's hands, like the *kohen* in the *Bais Hamikdash* would wash his hands and feet before performing the service, and they enacted the blessing of *al netilas yadayim* upon this special washing.

The Bais Yosef (Orach Chaim 4:13) says that according to the reasoning of the Rosh, one who did not sleep (or merely slept for a short period) did not necessarily touch a covered

part of the body. According to the Rashba, however, Chazal instituted this hand-washing and blessing as part of the process of the morning blessings, regardless of whether one actually slept or not. Since there is a question of whether to wash and recite the blessing or not, the Rema (ibid.) rules that one should wash but not recite the blessing. However, the Mishna Berura (ibid.:30) cites other authorities who disagree and rule that the blessing is recited. The Mishna Berura advises that one avoid the question by relieving oneself and making sure to touch a normally-covered part of the body, which then necessitates washing the hands and making *al netilas yadayim* even according to the Rosh.

***Birchas haTorah:*** There is a dispute among the Rishonim (medieval authorities) regarding when one must recite *birchas haTorah* again. The Tur (ibid. 47:11) cites his father the Rosh (Responsa 4:1) that one who sleeps during the day<sup>1</sup> must recite *birchas haTorah* again. The Rosh also says that one who arises before dawn to study Torah recites *birchas haTorah*. However, Tosafos (Brachos 11b s.v. *shekvar*) cite Rabbeinu Tam that one does not recite *birchas haTorah*, as the blessing of the previous day covers all Torah study until the following morning. Many other Rishonim weigh in on this question, as well. It emerges that according to the Rosh's opinion, sleep is the factor that necessitates the need for a new blessing, while according to Rabbeinu Tam, it is the start of a new day.

The Bais Yosef (ibid.:11) cites the Agur (Siman 1) who says that his father did not repeat *birchas haTorah* following a daytime nap. The Bais Yosef takes issue with this ruling, but explains that perhaps the Agur's father ruled in part like Rabbeinu Tam: Although after a night's sleep, the halacha follows the Rosh and one recites *birchas haTorah* even before dawn, daytime sleep would not suffice to require repeating *birchas haTorah*.

For daytime sleep, the Shulchan Aruch (ibid.:11) cites both

<sup>1</sup> Sleep in this context is defined as *shinas keva* (lit., an established sleep), as opposed to *shina ara'I* (lit., temporary sleep). The exact parameters of *shinas keva* are subject to a great deal of debate. One who lies down in bed for an extended nap has certainly achieved *shinas keva*, while dozing off briefly in a chair would be *shinas ara'i*. For everything in between, a halachic authority should be consulted.

opinions, and says the custom is not to repeat *birchas haTorah*. The Mishna Berura (ibid.:25) cites many later authorities who rule that one should indeed repeat *birchas haTorah*. Nonetheless, others rule like the custom cited in the Shulchan Aruch not to repeat, and this seems to be the commonly-held custom.

The Shulchan Aruch rules further that one may continue to learn without repeating *birchas haTorah* so long as he has not gone to sleep. The Magen Avraham (ibid.:12) infers from the Shulchan Aruch's wording that if one never went to sleep, he doesn't recite *birchas haTorah*, even with the arrival of morning. The Magen Avraham disagrees with this and says that one must indeed repeat *birchas haTorah*. He reasons that since the custom is not to repeat *birchas haTorah*, in accordance with Rabbeinu Tam, then the start of a new day, even sans sleep, ought to create a new obligation to recite *birchas haTorah*.

However, Rabbi Akiva Eiger in his glosses on the Shulchan Aruch, commenting on the aforementioned Magen Avraham, defends the ruling of the Shulchan Aruch. He explains that in fact, the halacha follows the Rosh. However, daytime sleep is not as strong an interruption and the custom is to add a layer of stringency and follow Rabbeinu Tam's ruling for daytime sleep only, as suggested by the Bais Yosef in his explanation of the position of the Agur. Rabbi Eiger concludes that if one remained awake all night but had slept during the previous day, one would recite *birchas haTorah* the next morning according to all opinions. According to the Rosh, one recites *birchas haTorah* since he has slept, while according to Rabbeinu Tam, a new day has dawned, necessitating recitation of the blessing again. Thus, if one remained awake all night but had slept the previous day, one is able to recite *birchas haTorah* after dawn. However, one who did not sleep at all would need to hear *birchas haTorah* from someone else. If this is not an option, one can fulfill *birchas haTorah* by having in mind to do so while reciting *ahava rabba* during *birchos kri'as shema*. However, one must make sure to study some Torah immediately after completing *Shemone Esrei* (Mishna Berura ibid.:28).

***Birchos hashachar***: These *birchos hashachar* refer to specific benefits that Hashem provides a person with, such as sight, clothing and the like. The Shulchan Aruch (ibid. 46:8) rules that one who, on a given day, does not experience a particular benefit must omit Hashem's Name when reciting its corresponding blessing. For example, one who is not getting dressed one day would recite *malbish arumim*, which thanks Hashem for clothing us, without mentioning the Name of Hashem. According to the Shulchan Aruch (whose

ruling is generally followed by Sefardim), there are two blessings that would prove problematic for one who remained awake all night: *Elokai neshama*, which thanks Hashem for returning one's soul after a night's sleep, and *hama'avir sheina*, which thanks Hashem for removing sleep from one's eyes.

The Rema (ibid.) rules one can recite the regular, full blessing, since these blessings are not merely expressing one's personal benefit but, rather, the general benefit enjoyed by humanity. According to the Rema (whose opinion is generally followed by Ashkenzaim), it would seem that one who was awake all night could still recite *elokai neshama* and *hama'avir sheina*.

However, the Sha'arei Teshuva (ibid.:12) cites the Ateres Zekeinim that one who remained awake all night cannot recite these two blessings. This ruling is mentioned the Elya Rabba (ibid.:8), as well, in the name of the Gilyon Magen Avraham. The Sha'arei Teshuva explains that since these two blessings do not refer to humanity in general, as do many of the other blessings (e.g., "Who clothes the naked;" "Who straightens the bent;" etc.), but are in the first person and refer to the person reciting the blessing, the Rema's reasoning does not apply. While others, including the Sha'arei Teshuva himself, have difficulties with this ruling, the Sha'arei Teshuva concludes that one who was awake all night should hear these two blessings from another person who did sleep. However, the Sha'arei Teshuva adds that one who slept even a *shina ara'i* of sixty breaths<sup>2</sup> during the night may recite these two blessings. Thus, one who was awake all night but put his head down for a short nap may be able to recite these two blessings (see footnote 2). In the event that none of the above options are feasible, a halachic authority should be consulted as to whether one who did not sleep can recite them on his own.

As mentioned at the outset, Shavuot this year may create a situation where finding someone who slept and can recite all of the *birchos hashachar* may prove difficult. In addition, even when there is someone to recite all of the blessings on behalf of those who remained awake all night, this requires hearing all the words of the blessings and paying careful attention to them, which may sometimes be a challenge, especially when one is sleep-deprived. If a person is concerned that he will be unable to properly listen to the blessings, it may be a better option to recite on his own those blessings which, according to the above discussion, he may say despite having remained awake all night.

<sup>2</sup> There are various opinions as to the practical length of such a nap; opinions vary from three minutes to three hours. For practical ruling, a halachic authority should be consulted.

## **Points to Ponder:**

***Would sleeping during the morning following the night allow one to recite all of the blessings?***

***May a man hear the questionable blessings from a woman?***

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*Please consult with a qualified halachic authority for all practical questions of halacha*

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