

BIRCHOS HA-SHACHAR ON SHAVUOS MORNINGS

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A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

The widespread custom of staying awake the first night of Shavuos to study Torah presents a halachic problem - what to do about four of the morning blessings, Birchos ha-shachar, which cannot be recited unless one slept during the night. The other sixteen blessings may be recited as usual⁽¹⁾, but the following four blessings present a problem:

AL NETILAS YADAYIM - The Rishonim offer two basic reasons for the Talmudic law⁽²⁾ of washing our hands in the morning and then reciting the proper blessing: The Rosh tells us that washing is necessary because a person's hands move around in his sleep and will inevitably touch some unclean part of the body. The Rashba says that since each one of us becomes a biryah chadashah - a "new person" - each morning, we must sanctify ourselves anew in preparation to serve Hashem. This sanctification is similar to that of a kohen who washes his hands before performing the avodah in the Beis ha-Mikdash. [In addition to these two reasons, there is still another reason for washing one's hands in the morning - because of ruach ra'ah, the spirit of impurity that rests on one's body at night and does not leave the hands until water is poured over them three times³. Indeed, touching various limbs or organs of the body is prohibited before hand-washing, due to the danger which is caused by the spirit of impurity⁽⁴⁾. This third reason alone, however, is insufficient to warrant a blessing⁽⁵⁾, since a blessing is never recited on an act which is performed in order to ward off danger⁽⁶⁾.]

Does one who remains awake all night long need to wash his hands in the morning? If we follow the Rosh's reason, then washing is not necessary, for as long as one remains awake he knows that his hands remained clean. If we follow the Rashba's reason, however, washing may be required, since in the morning one becomes a "new person," whether he slept or not⁽⁷⁾. [In addition, it is debatable if the spirit of impurity that rests on the hands is caused by the nighttime hours - regardless of whether or not one slept or if it rests upon the hands only during sleep.⁽⁸⁾]

Since this issue remains unresolved, the Rama suggests a compromise:-washing is indeed required, as the Rashba holds, but a blessing is not recited, in deference to the view of the Rosh. Not all the poskim agree with the Rama's compromise. In their view, the blessing should be recited⁽⁹⁾. Since we

again face a difference of opinion, it is recommended that one of the following options be exercised: Immediately after alos amud ha-shachar, one should relieve himself and then wash his hands, followed by Al netilas yadayim and Asher yatzar. In this case, all poskim agree that washing is required and a blessing is recited(10). This is the preferred option. One should listen - with intent to be yotzei - as another person, who did sleep, recites the blessing.

BIRCHOS Ha-TORAH - The poskim debate whether one who remains awake the entire night(11) is required to recite Birchos ha-Torah the next morning. Some authorities do not require it, since they hold that the previous day's blessings are still valid. In their view, unless a major interruption - such as a night's sleep - occurs, yesterday's blessings remain in effect. Others hold that Birchos ha-Torah must be said each morning regardless of whether or not one slept, similar to all other Birchos ha-shachar which are said in the morning, whether one slept or not. According to the Mishnah Berurah(12), this issue remains unresolved and the following options are recommended: One should listen - with intent to be yotzei - as another person, who did sleep, recites the blessing. This should be followed by each person reciting yevorechecha and eilu devarim, so that the blessings are followed immediately by some Torah learning.

While reciting the second blessing before Kerias Shema -Ahavah Rabbah -one should have the intention to be yotzei Birchos ha-Torah as well. In this case, he must learn some Torah immediately after Shemoneh Esrei. There are two other options available: The poskim agree that if one slept (at least half an hour) during the day of erev Shavuot, he may recite Birchos ha-Torah on Shavuot morning even though he did not sleep at all during the night(13). While reciting Birchos ha-Torah on erev Shavuot, one may clearly stipulate that his blessings should be in effect only until the next morning. In this case, he may recite the blessings on Shavuot morning although he did not sleep(14).

If one did not avail himself of any of these options and Birchos ha-Torah were not recited, one may recite them upon awakening from his sleep on Shavuot morning (after davening).

ELOKAI NESHAMAH and Ha-MA'AVIR SHEINAH - Here, too, there are differences of opinion among the poskim as to whether one who remains awake throughout the night should recite these blessings. The Mishnah Berurah(15) rules that it is best to hear these blessings from another person who slept. If no such person is available, many poskim rule that these blessings may be recited even by one who did not sleep(16).

IN ACTUAL PRACTICE, WHAT SHOULD WE DO?

As stated earlier, all poskim agree that the other sixteen morning blessings may be recited by one who did not sleep at all during the night. Nevertheless, it has become customary in some shuls that one who slept recites all twenty morning blessings for the benefit of all those who did not sleep. Two details must be clarified concerning this practice: Sometimes it is difficult to clearly hear every word of the blessing being recited. [Missing one word can sometimes invalidate the blessing.] If that happens, it is important to remember that sixteen of the twenty blessings may be recited by each

individual whether he slept or not, as outlined above.

The sixteen blessings which may be recited by each individual should not be heard from another person unless a minyan is present. This is since some poskim hold that the obligation of Birchos ha-shachar is discharged only by hearing them from another person in the presence of a minyan(17).

FOOTNOTES:

1 Rama O.C. 46:8.

2 Berachos 15a and 60b.

3 The source for the "spirit of impurity" is the Talmud (Shabbos 108b; Yoma 77b) and the Zohar, quoted by the Beis Yosef O.C. 4.

4 O.C. 4:3.

5 Mishnah Berurah 4:8.

6 Aruch ha-Shulchan 4:4 based on Rambam, Hilchos Berachos 6:2.

7 The rationale for this is: 1) Lo pelug, which means that once the Sages ordained that washing the hands is necessary because one is considered a "new person", they did not differentiate between an individual who slept and one who did not (Beis Yosef quoted by Mishnah Berurah 4:28); 2) The blessing was established to reflect chiddush ha-olam, which means that since the "world" as a whole is renewed each morning, it is incumbent upon the individual to sanctify himself and prepare to serve Hashem each morning; whether he, personally, was "renewed" is immaterial (Beirur Halachah quoting the Rashba).

8 Mishnah Berurah 4:28.

9 Ruling of Aruch ha-Shulchan 4:12.

10 Mishnah Berurah 4:30 and Beirur Halachah 494:1. This should be done immediately after alos amud ha-shachar in order to remove the spirit of impurity; O.C. 4:14.

11 Even one who falls asleep during his learning [while leaning on a shtender or a table, etc.] does not say Birchos ha-Torah upon awakening; Kaf ha-Chayim 47:27.

12 47:28. Many other poskim, though, rule that Birchos ha-Torah may be said even by one who did not sleep at all; see Birkei Yosef 46:12; Shulchan Aruch Harav 47:7; Aruch ha-Shulchan 47:23; Kaf ha-Chayim 47:26.

13 R' Akiva Eiger quoted by Mishnah Berurah 47:28. Harav C. Kanievsky, however, reports that the Chazon Ish did not agree with this ruling (Ishei Yisrael Hilchos Tefillah, pg. 719).

14 Keren L'David 59 and Luach Eretz Yisrael quoting the Aderes (quoted in Piskei Teshuvos O.C.

494:6).

15 46:24. This is also the ruling of Chayei Adam 8:9 and Kitzur Shulchan Aruch 7:5.

16 Shulchan Aruch Harav 46:7; Kaf ha-Chayim 46:49; Aruch ha-Shulchan 46:13; Misgeres ha-Shulchan 2:2.

17 Mishnah Berurah 6:14. In addition, see Kisvei Harav Henkin 2:7, who maintains that since many of the blessings are written in the first person, they must be recited by each individual; listening to them being recited by another person is not adequate.
