

SHEI'AILOST U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: How strict need one be about talking, eating or drinking after reciting the berachah of Ha-mapil prior to retiring for the night?

DISCUSSION: L'chatchilah, Ha-mapil is recited⁽¹⁾ right before falling asleep. Indeed, according to one opinion, one may recite Ha-mapil only in the last few moments before falling asleep, when his eyelids are fluttering and he can barely remain awake.⁽²⁾ Although we do not rule in accordance with this view,⁽³⁾ we still attempt to recite Ha-mapil at the last possible moment before getting into bed or before falling asleep.⁽⁴⁾ Accordingly, one is encouraged to prepare himself for sleep in such a way as to eliminate any interruptions between Ha-mapil and falling asleep.

But this cannot always be arranged: Some people toss and turn for a while before finally falling asleep; others can only fall asleep after reading or learning for a while in bed; some parents know that no sooner than they have recited Ha-mapil, a child will require attention. Should these people omit Ha-mapil from their nightly Kerias Shema al ha-mitah?

Some poskim suggest that they should. They explain that Ha-mapil is similar to She'hakol or Borei peri ha-eitz which must be recited right before drinking or eating with no interruption allowed. One who recites a She'hakol or Borei peri ha-eitz and does not immediately eat or drink has recited a berachah levatalah. In our case, too, one who interrupts between Ha-mapil and falling asleep is reciting a berachah levatalah.⁽⁵⁾ It follows, therefore, that one who knows or suspects that he will have difficulty in falling asleep should omit Ha-mapil.⁽⁶⁾

The vast majority of poskim, however, disagree.⁽⁷⁾ Ha-mapil, they explain, is not a berachah for an individual's personal sleep; rather it is a general blessing of praise to Hashem for giving His creations the opportunity to refresh and rejuvenate themselves through sleep and rest. It is a berachah similar to Elokai neshamah and the other morning birchos ha-shachar which are general berachos of praise to Hashem. Accordingly, while Ha-mapil is recited near the time when one is ready to retire for the night, there is no concern of berachah levatalah if sleep did not immediately follow the recitation of the berachah. Even l'chatchilah, therefore, one could recite Ha-mapil although he is well aware that he will be forced to make an interruption after reciting the berachah.

What is the practical halachah? In deference to the minority opinion, l'chatchilah one should plan that no interruption will take place after reciting Ha-mapil. All eating, drinking, talking or any other activity should take place prior to reciting Ha-mapil.⁽⁸⁾ But when this is difficult to do, or b'diavad if

one recited Ha-mapil and now needs to eat, drink, answer an important phone call or do any other necessary activity, he may do so and he need not be concerned about reciting a berachah levatalah.

Similarly, if after reciting Ha-mapil one realized that he forgot to daven Ma'ariv [or repeat the evening Kerias Shema at the proper time], count Sefiras ha-Omer, or recite Kiddush levanah (on the last possible night), he must make up whatever tefillah he missed and not be concerned that he is reciting a berachah levatalah.

Based on the above, the poskim infer the following: One who needs to use the bathroom after Ha-mapil recites Asher yatzar; if he sees lightning or hears thunder, the appropriate berachos are recited; if, for some reason, one needs to recite Ha-mapil in a location other than his sleeping quarters, it is permitted to do so, as we are not concerned about the laws of shinui makom.(9)

It follows, therefore, that there is no excuse to skip Ha-mapil before retiring for the night. Omitting Ha-mapil because one fears being interrupted between making the berachah and falling asleep, is not justified.(10)

QUESTION: Under what circumstance would Ha-mapil not be recited?

DISCUSSION: Ha-mapil would not be recited under the following circumstances:

1. When taking a nighttime catnap.(11)
2. When sleeping during the day.(12)
3. When going to sleep before tzeis ha-kochavim, even if one is planning to sleep all night.(13)
4. When going to sleep in the early morning, but one will not fall asleep until after alos ha-shachar.(14)
5. According to some Kabbalistic sources, one should omit Ha-mapil if he goes to sleep past chatzos. In addition, Ha-mapil is not recited on Friday nights, during the nights of Sefiras ha-Omer and Aseres Yemi Teshuvah. Other Kabbalistic sources dispute these omissions and require that Ha-mapil be recited at all times.(15)

QUESTION: Is it permitted to pressure another person to sell an item that you desire but that he is not interested in selling?

DISCUSSION: No. The tenth Commandment, Lo Sachmod, Do not covet... anything that belongs to your fellow, forbids pressuring or even coaxing a fellow Jew to sell an item belonging to him, even if the buyer is willing to pay whatever price the owner stipulates. Should the seller relent under pressure and agree to sell the item, it is forbidden for the buyer to consummate the purchase.(16)

It is only forbidden to exert pressure on the owner; it is permitted to ask once or twice if he would consider selling the item for a certain price. But a distinguished person, e.g., a rav or a rosh yeshivah, is forbidden even to ask - if there is a chance that the owner will agree only because he is embarrassed to refuse the request of such an important person.(17)

Lo Sachmod applies also when one pressures a fellow Jew to:

6. sell him an item which he will use for a mitzvah purpose, e.g., an esrog or a menorah.(18)
7. rent him an item.(19)
8. give him a gift.(20) Thus it is strictly forbidden for one mechutan to pressure his fellow mechutan to give more than was agreed upon at the time the match was finalized.(21)
9. sell him an item which he will give to others, e.g., his wife, children or friends.(22)
10. exchange one item for another, even for one of greater value.(23)

Lo Sachmod does not apply when:

11. the item belongs to a non-Jew(24) or to a non-Jewish partner.(25)
12. one pressures a fellow Jew to buy an item that he does not want to purchase.(26)
13. one pressures another to teach him Torah or a secular subject.(27)
14. one pressures another to marry his son or daughter.(28)
15. one partner pressures the other to buy him out.(29)

FOOTNOTES:

1 The poskim are in agreement that men and women are equally obligated to recite Ha-mapil (Sha'ar ha-Tziyun 239:16) and that it has become universally accepted for both men and women to do so (Aruch ha-Shulchan 239:6; Halichos Shelomo 1:13, Dvar Halachah 22)).

2 Mishnah Berurah 239:3, quoting Seder ha-Yom.

3 Mishnah Berurah 239:3, quoting Knesses ha-Gedolah and other poskim.

4 While it is permitted to recite Ha-mapil and Kerias Shema al ha-mitah either standing, sitting or lying in bed, it is recommended that Kerias Shema be said standing or sitting, and Ha-mapil be recited once one is lying in bed and ready to fall asleep; see Kitzur Shulchan Aruch 71:4; Sha'ar ha-Tziyun 239:10; Aruch ha-Shulchan 239:6.

5 Mishnah Berurah 239:4 and Beiur Halachah, s.v. samuch, seems to endorse this view.

6 See Ben Ish Chai, Pekudei 12 and Teshuvos v'Hanhagos 2:131.

7 See Beiur Halachah 239:1, s.v. samuch, quoting Eliyahu Rabba and Chayei Adam; Aruch ha-Shulchan 239:6; Many poskim quoted in Tzitz Eliezer 7:27-3 and Yechaveh Da'as 4:21.

8 In addition, Rama 239:1 writes that no eating, drinking or talking should take place after Kerias Shema al ha-mitah, even before reciting Ha-mapil.

9 Halichos Shelomo 1:13-15; Tzitz Eliezer 7:27-3.

10 Even an onen (the term given to a mourner during the period of time between the death of a relative and his burial), who is exempt from all teffilos and berachos, is obligated to recite Kerias Shema al ha-mitah and Ha-mapil; Minchas Shelomo 1:91-25.

11 Teshuvos Keren L'David O.C. 60.

12 Mishnah Berurah 239:8.

13 B'tzeil ha-Chachmah 5:166.

14 See Beiur Halachah 239:1, s.v. samuch.

15 See Sha'arei Teshuvah 239:1, Kaf ha-Chayim 239:8 and Yechaveh Da'as 4:21.

16 C.M. 359:10. According to Teshuvos Sha'arei De'ah 1:149, the owner, too, is not allowed to go through with the sale, since he will be causing the buyer to violate a Biblical prohibition.

17 Rabbeinu Yonah, Sha'arei Teshuvah 3:43.

18 B'tzeil ha-Chachmah 3:43.

19 See Sedei Chemed (Kelalim, Lamed 130, s.v. v'chideish) who debates this issue.

20 Rabbeinu Yonah, Sha'arei Teshuvah 3:43.

21 Chafetz Chayim, Sefer ha-Mitzvos, Lo Sasseh 40.

22 Pischei Choshen, Geneivah 1, note 28.

23 Rambam, Sefer ha-Mitzvos, Lo Sasseh 266 and Chinuch 416.

24 Shulchan Aruch ha-Rav O.C. 440, Kuntres Acharon 11.

25 Pischei Choshen, Geneivah 1, note 28.

26 Imrei Yaakov on Shulchan Aruch ha-Rav, Geneiva 5.

27 Aruch ha-Shulchan C.M. 359:10.

28 Aruch ha-Shulchan C.M. 359:11.

29 See B'tzeil ha-Chachmah 3:47.

Weekly-Halacha, Text Copyright © 2005 by Rabbi Neustadt, Dr. Jeffrey Gross and **Torah.org**.

Weekly sponsorships are available--please send email to the moderator, Dr. Jeffrey Gross

jgross@torah.org.

Rabbi Neustadt is Rav of Young Israel in Cleveland Heights. He may be reached at 216-321-4635 or at jsgross@core.com.