

Birchas Hatorah

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BACKGROUND

Every morning Birchas Hatorah are said by both men and women. According to many, Birchas Hatorah is one of only two *berachos* that are *d'oraysa* (of Torah origin), the other being Birchas Hamazon. In addition, the importance of saying Birchas Hatorah is well known as are the punishments that can happen when one does not. As the Gemara in Nedarim¹ relates that one of the causes of the Churban Habayis was, שלא ברכו בתורה תחילה. (See the Ran and others for an explanation of this Gemara.)

HESECH HA'DAAS

A new Birchas Hatorah is said every morning after sleeping the night before. Everyone agrees that the new day together with sleep generates the need for a new *bracha*. The question is, what else is considered to be a *hefsek* that would require a new *bracha*? The average person, does not have the opportunity to learn all day, why does he not need to say a new Birchas Hatorah after returning to the Beis Medrash after work? Additionally, even those who are *zoche* to live a life of "*torasam um'nasam*" (full time Torah study), they also need to be *mafsik* their learning to eat, bathe, etc. Are these activities considered a *hefsek*? Shouldn't it be like the mitzvah of Sukkah that a new *bracha* is needed each time he returns to the Sukkah after a significant break?

The Rishonim teach us that it is not a *hefsek* because he is always in a mode of "*daato lilmode*" (having in mind to return to his learning when given the opportunity), plus his whole life is being lived according to Torah law so he is constantly thinking about Torah. The Shulchan Aruch² *paskens* this *halacha l'maaseh*, as he writes -

אם הפסיק מללמוד ונתעסק בעסקיו כיון שדעתו לחזור ללמוד לא הוי הפסק וה"ל לשינה ומרחץ ובית הכסא דלא הוי הפסק.

"If he stops learning and engages in his work, since he has in mind to return to his learning, it is not considered an interruption. Similarly, (if one stops for) sleep, bathing, and using the washroom, it is not considered an interruption."

The Magen Avraham³ is *midayeik* (infers) that if one has no intention to learn again that day and it ends up being that he did find time to learn, a new *bracha* would be needed, but the Taz⁴ disagrees and *paskens* that in all cases no new *bracha* is warranted. The Mishna Berura⁵ explains that this is because the fact is that for the entire day, he is standing ready and willing to learn Torah if the unexpected opportunity would present itself,

therefore it is not a *hefsek*.

NAP DURING DAY

What about taking a long nap during the day, would that constitute a *hefsek* and require a new *bracha*? The Tur⁶ quotes his father the Rosh⁷ that if one sleeps a *קבע על מיטתו* (real sleep in a bed), then it would be a *hefsek* and a new *bracha* would have to be said. The Bais Yosef⁸ writes that this is also the opinion of the Hagahos Maimonios and the Ra"m that it is a *hefsek*. However, he cites the Agur⁹ who writes in the name of his father that no new *bracha* should be said. The Bais Yosef explains that although the majority of opinions are that it is a *hefsek*, the Agur seems to be concerned with the minority opinion of Rabbeinu Tam that even nighttime sleep isn't a *hefsek*, and that it is enough to create a *safeik*, for which we should *pasken* "*safeik brachos l'hakeil*" and not say a *bracha*. The Shulchan Aruch Harav¹⁰ adds a supporting piece of logic that perhaps these *brachos* are like Birchos Hashachar that were established to only be said once a day no matter what happens that day.

The Shulchan Aruch brings both opinions but concludes that the *minhag* is to not make a new *bracha*. On this, the Mishna Berura¹¹ writes that the Pri Chadash and Elya Rabbah bring a list of Rishonim and Achronim who argue that it is in fact a *hefsek* and that the Biur HaGra and the Chayei Adam both *pasken l'maaseh* that after *sheina keva ba'yom* (real sleep during the day), a new Birchas Hatorah should be said. He concludes that even though the Pri Megadim writes that the *minhag* to be lenient is reliable, nonetheless one who chooses to make a *bracha* in this case "*lo hifsid*" (did not lose out).

Sefer Mikor Hachaim¹² has a middle opinion that if one sleeps in a bed, in his pajamas for several hours during the day, then he should make a new *bracha*. This is too significant of a type of sleep to say that it is not an interruption of the *bracha*.

L'maaseh, the *minhag* is to not make a new *bracha* after sleeping during the day¹³. However, being that one can be *yotzei* with the *brachos* of Ahava Rabbah during Shacharis and Ahavas Olam during Maariv, he should specifically have in mind that his Ahavas Olam that night should count as a Birchas Hatorah. Then after Maariv he should learn something immediately for the *bracha* to have something to go on. [As an aside, the Siddur HaGra gives an eitzah that when one says Birchas Hatorah in the morning he should have in mind that it should only work until his next *sheina keva*. This approach is debated, and one should ask a shaila if it can be used *l'maaseh*.]

STAY UP ALL NIGHT

The final question is, what is the *halacha* for one who stays up all night? Do we say that since he didn't sleep, there was no *hefsek* and therefore no new *bracha* should be said (Gr"a and Chayei Adam), or were Birchos Hatorah instituted to be said every morning like (almost) all Birchos Hashachar whether or not you slept (Magen Avraham and Elya Rabbah). The Mishna Berura¹⁴ brings this *machlokes* among the *achronim* and concludes that he should not say the *bracha* himself because of this *safeik*. The Mishna Berura proceeds to give three approaches how to avoid the *safeik*. We will list the Mishna Berura's three approaches, as well as others mentioned in poskim:

1. Have Someone be Motzi Him- The ideal approach is to find someone who slept that night to be *motzi* him in Birchas Hatorah. He should listen to the *bracha* without saying “*Baruch Hu U’varuch Shmo*”, answer *amen*, and then say “*Yivarechacha*” and “*Eilu Devarim*” himself. It is common on Shavuot for each shul to appoint someone to say Birchas Hatorah for the entire *tzibbur* who stayed up.

2. Use Ahava Rabbah as Birchas Hatorah- If there is no one available to be *motzi* him in the *bracha*, the next best thing to do is to use his *bracha* of Ahava Rabbah during Shacharis as his Birchas Hatorah. In this case, he would need to learn something at his earliest opportunity for this approach to work.

3. Took a Nap Previous Day- The Mishna Berura¹⁵ quotes the opinion of Rav Akiva Eiger that if an individual took a nap the previous day, according to all opinions he would be able to make a Birchas Hatorah. This is because *mima nafshach* (either way you go), he fulfilled both conditions that generate the need for a new Birchas Hatorah; He both slept, and it is also a new day. Rav Shlomo Zalman Auerbach paskens like this *l’maaseh*¹⁶.

He does warn, however, that if one used his *bracha* of Ahavas Olam during Maariv the previous night to be a Birchas Hatorah for his previous day’s nap (which is the advisable practice), then this plan would not work. This is because we no longer have both reasons for a new *bracha* active being that the previous day’s nap had a Birchas Hatorah. One should certainly not skip using Ahavas Olam as a Birchas Hatorah for this reason, because that would mean that according to some opinions all his learning Shavuot night had no Birchas Hatorah.

It is noteworthy that there are opinions that Rav Akiva Eiger’s approach wouldn’t work altogether.

- Rav Chaim Kanievsky records the Chazon Ish’s opinion that all naps during the day are considered *derech arai* and merely a short rest¹⁷. Accordingly, the approach of Rav Akiva Eiger would not work, because he doesn’t have both of the reasons for a new *bracha* active; It is a new day, but there was no *hefsek*.
- Shu”t V’Heishiv Moshe¹⁸ suggests that any sleep done to make one learn better is not a *hefsek*, it is a part of the learning itself. One could argue that according to his opinion, a long nap on Erev Shavuot which would enable him to stay up all night won’t count as a *hefsek* to create the *mima nafshach* of Rav Akiva Eiger.

L’maaseh, if one would like to utilize the approach of Rav Akiva Eiger, he should consult his Rav. Otherwise, the first two approaches are more advisable.

Other approaches are mentioned by the Poskim:

4. Tnai in Previous Day’s Bracha- Rav Dushinsky¹⁹ and Shu”t Keren L’Dovid²⁰ suggest making a *tnai* (condition) when he says his Birchas Hatorah on Erev Shavuot in the morning that he only wants it to be active until the next day. This would make it that his previous Birchas Hatorah automatically terminates first thing in the morning whether he slept or not and he would be allowed to say his own Birchas Hatorah.

This approach, however, is heavily debated, and many poskim argue that such a condition would not be valid. (A full discussion of this debate is beyond the scope of this work). It is noteworthy, however, that the Pri Megadim seems to agree with this approach. He writes, “וברכת התורה וודאי מברכין דאין כוונתו רק - ליום ולילה” (“He may certainly make a Birchas Hatorah since he only had intent for his bracha to last for a day and a night”),

this seems to say that even without making a *tnai*, the average person’s default mindset is that his Birchas Hatorah should only be for one day.

5. Just Say the Birchas Hatorah- There are several *achronim* that are of the opinion that if no one is available to be *motzi* him, he may simply say Birchas Hatorah himself²¹. Others go as far to say that the *minhag* is to simply say Birchas Hatorah himself without even mentioning the approach of being *yotzei* with someone else²². The *minhag* of many Sefardim, is to follow this approach and after staying up all night, each person may say his own Birchas Hatorah.

Dayan Fuerst *shlita* rules that although Ashkenazim generally try to follow the first approach. One who cannot find someone to be *motzi* him, should rely on these *poskim* and make his own Birchas Hatorah.

LEARNING AFTER ALOS

May one continue learning after *alos* until the individual being *motzi* everyone says the *brachos*? Most *poskim* are lenient²³, but the Kaf Hachaim²⁴ is *machmir*. Rav Shlomo Zalman explains that there is no *issur* to do a *mitzvah* before making its *bracha*, unlike *birchas ha’nehenin*, that one can’t eat until the *bracha* is said. If that is the case, he beautifully expresses- “למה יתבטל בגלל זה שאינו מברך מתלמוד תורה שהוא יותר חשוב מכל המצוות” (Shu”t Mikadeish Yisroel²⁵ also paskens that one should ideally be *makpid* on this, and arrange to hear the *bracha* right away, but he writes that there is what to rely on to be lenient to continue learning until *netz* (sunrise).

Sefer Hilchos Chag B’Chag²⁶ says an interesting *sevara* from Rav Elyashiv on why it would be permissible to learn past *alos* when necessary, but his approach has a *chumra* that comes along with it. Rav Elyashiv is of the opinion that the prohibition to learn before Birchas Hatorah is generated by the *chiyuv* to say Birchas Hatorah. So, in a case that it is unclear if he is obligated to say a Birchas Hatorah and he won’t be saying the *brachos* himself, there is no *issur* to continue learning in the meantime. However, in a case that he is obligated to make his own Birchas Hatorah (he slept that night, or he took a nap the day before [see approach #3 above]) he would need to stop at *alos* to make a Birchas Hatorah right at *alos* because his obligation generates the *issur* to learn without the *bracha*.

1. נדרים דף פ"א.
2. או"ח סי' מ"ז סעי' י"א.
3. שם ס"ק ט'
4. שם ס"ק ח'
5. שם ס"ק כ"ב
6. או"ח סי' מ"ז
7. שו"ת הרא"ש חלק ד' סי' א'
8. או"ח סי' מ"ז
9. סי' א'
10. סעי' ז'
11. ס"ק כ"ה
12. או"ח סי' מ"ז ס"ק י"א, הובא במנחת יצחק ח"י סי' ז'
13. הגר"ח קנייבסקי זצ"ל (אשי ישראל מכתב מט), הגר"ש זצ"ל (שבועות יצחק נר שבת עמ' רסב)
14. או"ח סי' מ"ז ס"ק כ"ח
15. או"ח סי' מ"ז ס"ק כ"ח
16. הליכות שלמה שבועות פרק י"ב סעי' ו'
17. אשי ישראל פרק ו' סוף הערה ע"ה, אורחות רבינו ח"א עמ' מז. ע"ע מסורת משה ח"ב או"ח אור' ו'
18. סי' ב'
19. הו"ד בלוח א"י
20. או"ח סי' נ"ט
21. שולחן ערוך הרב סימן מ"ז סעי' ז' ועוד
22. ע' ערו"ה סי' מ"ז סעי' כ"ב-כג, דיון פירסט שליט"א בשם הגר"מ זצ"ל
23. חזו"א הו"ד בספר דינים ונהגות א"י ב, שו"ת מנחת שלמה ח"א סי' צ"א, שו"ת בצל החכמה ח"א סי' א'
24. או"ח סי' תצ"ד ס"ק י"ב
25. הלכות שבועות מ"ג-ב
26. הלכות שבועות עמ' קכ"ה הערה ס"ח, וע"ע קובץ תשובות ח"א סי' ט, ספר פניני תפילה עמ' לז בשמו



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