

# The Best Part of Waking Up

## Birchas HaTorah on Shavuos Morning

Rabbi Shmuel Maybruch

Faculty, Stone Beit Midrash Program

### The Importance of Birchas HaTorah

One of the most significant *berachos* we recite throughout the day is the *birchas haTorah*. This series of *berachos*<sup>30</sup> is not only a halachic requirement, but a powerful testament to the importance of Torah study. For example, the Talmud (*Nedarim* 81a) asks why Torah scholarship often does not pass from a father who is a Torah scholar to his children. Ravina explains that it is result of the scholar's omission of *birchas haTorah*:

*Why is it uncommon for Torah scholars to produce Torah scholars as their children? Ravina said: Because they [the Torah scholars] do not recite the berachos [of birchas haTorah] prior [to studying Torah]*

ומפני מה אין מצויין ת"ח לצאת  
ת"ח מבניהן? רבינא אמר...  
שאינ מברכין בתורה תחלה.

The *Beis Yosef* (O.C. 47) quotes his Rebbi, Rabbeinu Yitzhak Abohav, who explains Ravina's intent:

*Our great Rebbi, Mahar"i Abohav zt"l, wrote that the [explanation of the] reason [given by the Talmud] that they are not privileged to have children that are Torah scholars "because they do not recite the beracha [of birchas haTorah]" is that since they do not recite berachos on the Torah, it demonstrates that they are not studying it for its own sake, rather merely like a common occupation. Therefore they are not privileged to the chain that continues from one who is involved in Torah for its own sake.*

ורבינו הגדול מהר"י אבוהב ז"ל  
כתב שהטעם שאינם זוכים  
לבנים תלמידי חכמים מפני שאין  
מברכין בתורה הוא לפי שמאחר  
שאינ מברכין על התורה מורה  
שאינ קורין אותה לשמה אלא  
כאומנות בעלמא לפיכך אין זוכין  
לשלישלת הנמשך לעוסק בתורה.

In the view of Mahar"i Abohav, *birchas haTorah* demonstrates the Divine and supreme nature of Torah study, in extreme contrast to other disciplines and occupations. The few seconds of daily blessing before studying Torah declare to oneself and one's family an appreciation of the precious gift that G-d gave His people on Shavuos. If a father is steeped in Torah study but does

<sup>30</sup> Although we recite two *berachos*, the *Shulchan Aruch* refers to this series as "*birchas haTorah*" in the singular, and that term is retained here.

not clearly convey to his children that he is involved in it because it is the Word of G-d, not merely a profession or enjoyable pastime, then they will not appreciate it enough to pursue it diligently themselves.

The *Perisha* (ibid., 1) further suggests that the text of *birchas haTorah* contains a unique prayer beseeching G-d that one's progeny follow on the path of sincere Torah study - ונהיה אנחנו - וצאצאינו...כולנו יודעי שמך ולומדי תורתך לשמה. "and may we and our descendants all know Your Name and study Your Torah for its own sake." Unfortunately, great scholars sometimes take the wonderful gift for granted and don't sincerely pray to G-d that their posterity mirror their own involvement in Torah. In contrast, those that enjoy only brief periods to concentrate on Torah study are more cognizant of what a great privilege it is, and beg G-d wholeheartedly for the Torah to be transmitted to their children.

It is clear from the statement of Ravina, as well as the commentaries of both Mahar"i Abohav and the *Perisha*, that *birchas haTorah* plays an integral role as a preamble to daily Torah study. Ironically, one of the most common times of the year that significantly fewer people say *birchas haTorah* is the first day of Shavuot – the very day we received the Torah! Those that stay up the whole night to study Torah usually listen to someone else's *birchas haTorah* instead of reciting their own. This practice is the result of disputes among the Rishonim and the Acharonim.

## One Who Arises Before Daybreak

*Birchas haTorah* is included in the series of *berachos* that we recite at the beginning of *Shacharis*. This practice is rooted in the Talmud (*Berachos* 11b), which declares that one who arises in the morning must recite *birchas haTorah*.

Even though one recited *birchas haTorah* a day ago, it is a requirement that he must fulfill with every new day. However, the Rishonim debate which specific aspect of the day's beginning causes the previous day's *birchas haTorah* to expire and create the need for a new *beracha*: a night's sleep or daybreak. It is possible that when one goes to sleep, he temporarily retires from intense Torah study, and must make a new *beracha* when he arises. Alternatively, it is conceivable that *birchas haTorah* only lasts one day. Therefore, as soon as a new day breaks, one must recite *birchas haTorah* for the new day before he studies Torah. Rabbeinu Tam maintains that the requirement to say *birchas haTorah* is a function of daybreak, yet other Tosafists opine that it is a result of sleeping.

A litmus test for the two opinions is where one arises from his night's sleep to study before daybreak. In such a case, one slept and then arose, but the day did not yet begin. In this situation, the Rishonim debate the correct practice. Tosafos, *Berachos* 11b, record:

*Rabbeinu Tam used to say that when a person arises from his bed at night ([toward] morning) to study Torah, he need not recite birchas haTorah, as the birchas haTorah of yesterday in the morning exempts him until the next morning. Yet, it does not seem [that Rabbeinu Tam is] correct.*

והיה אומר ר"ת כשאדם עומד ממטתו  
בלילה (בשחרית) ללמוד שא"צ לברך  
ברכת התורה מפני שברכת התורה של  
אתמול שחרית פוטרת עד שחרית  
אחרת. ולא נהירא.

The *Tur* was unsure how to rule, so it appears that he wrote to his revered father, the Rosh, and asked him how he held in this argument.<sup>31</sup> The Rosh responded (*Teshuvos HaRosh* 4, 1) and accepted the opinion of the other Tosafists, contrary to Rabbeinu Tam. Following the Rosh, the *Tur* (O.C. 47) codifies:

*One who arises in the [very early] morning to study prior to going to synagogue should recite birchas haTorah.*

והמשכים בבקר ללמוד קודם שילך  
לב"ה יש לו לברך ברכת התורה.

The *Beis Yosef* (ibid.) quotes other Rishonim that also follow the opinions of the Tosafists, Rosh, and *Tur*:

*In the writings of Rav Yisrael [Iserlein] (Terumat HaDeshen II, 123) he writes that he and his uncle zt"l were accustomed to blessing. Also the Sefer HaAgur wrote that Rabbeinu Tam is a unique opinion on this matter, and the authorities rule that he should make a beracha. And that is the commonly accepted custom.*

ובכתבי מה"ר ישראל (תרומת  
הדשן ח"ב) סי' קכ"ג כתב שהוא  
ודודו ז"ל היו נוהגים לברך. וגם  
האגור (שם) כתב שר"ת הוא יחיד  
בדבר זה וכל הפוסקים אומרים  
שיש לברך. וכן נוהגים העולם.

The *Beis Yosef* summarizes and codifies the majority opinion in his *Shulchan Aruch* (O.C. 47, 13):

*One who arises early prior to daybreak to study Torah, makes the birchas haTorah and does not need to recite it again when he comes to synagogue.*

המשכים קודם אור היום ללמוד,  
מברך ברכת התורה ואינו צריך  
לחזור ולברך כשילך לבית הכנסת.

## Sleep During the Day

Clearly, the majority of Rishonim maintain that a night's sleep is enough to require a new *birchas haTorah* when one arises. The Rosh (ibid.) further held that if one takes a significant nap during the day then that would likewise create a new requirement of *birchas haTorah* before resuming Torah study. This is also quoted by the *Tur* (ibid.):

*My father, my master wrote in response to a query that even if he slept formally in his bed during the day it constitutes a hiatus [in the status of the original birchas haTorah] and he must make the beracha again [when he arises from his rest]*

וכתב א"א ז"ל בתשובת שאלה  
שאף ביום אם ישן שינת קבע  
על מטתו הוי הפסק וצריך  
לחזור ולברך.

This opinion of the Rosh follows his previous ruling. If the requirement to say *birchas haTorah* is a result of sleep, one can understand that a long, formal sleep during the day would serve a similar purpose as a full night's sleep. Of course, if the Rosh would have held like Rabbeinu Tam, that only the new day causes one to say *birchas haTorah*, then one would obviously not make a *bercha* when he awoke from sleep during the same day.

<sup>31</sup> In fact, the *Beis Yosef* notes that many of the rulings concerning *birchas haTorah* that that *Tur* quotes from a responsum of the Rosh are also found in the *Pesakim* of the Rosh on *Maseches Berachos*. The *Beis Yosef* questions why the *Tur* specifically quotes the responsum and suggests that the responsum adds some details that are not found in the *Pesakim*. One might additionally suggest that the *Tur* quoted the responsum because it was directed from his father to him, specifically in response to his own queries.

However, the *Beis Yosef* quotes the opinion of the *Sefer HaAgur* and his father, who strongly suggest that one not recite a blessing after daytime slumber. They maintain that since the Rishonim debate whether a night's sleep is enough to require *birchas haTorah*, one should apply the rule of *safek berachos l'hakel*- an uncertainty in matters of saying a *beracha* results in a lenient ruling:

*And the Sefer HaAgur writes further that his father zt"l directed that the beracha not be recited during the day, even after a formal sleep, and it is correct to do, as one who is lenient in matters of berachos when there is a dispute does not lose, as [a lack of] berachos does not undermine [the mitzvos that were performed].*

וכתב עוד האגור (שם) שאביו ז"ל הנהיג שלא לברך ביום אפילו אחר שינת קבע וכן ראוי לעשות כי המיקל בברכות במקום שיש מחלוקת הרי זה לא הפסיד כי הברכות אינן מעכבות

However, the *Beis Yosef* is perplexed by the ruling of the *Sefer HaAgur* and his father. He wonders why the *Sefer HaAgur* terms the dispute between Rabbeinu Tam and the other Rishonim as an uncertainty in matters of *berachos*. The *Beis Yosef* observes that no Rishon on record differentiates between a formal rest during the day and nocturnal slumber. The only opinion that would hold that sleep does not cause a *beracha* to be necessary is Rabbeinu Tam, who maintained such even after a full night's sleep. However, since the consensus is that Rabbeinu Tam is overruled and that sleep is enough to require a *beracha*, the same should apply after sleeping during the day:

*It is perplexing... how did the father [of the Sefer HaAgur] direct [those to follow] like no one, and the son [the Sefer HaAgur] strengthened the directive of his father [and explained that it is] because there is a dispute in this matter. We have never found one who disagrees! It is possible that their reasoning is that according to Rabbeinu Tam even a full night's sleep is not a hiatus... and even though the halacha is not like him because all the authorities disagree with him, perhaps that is only in regard to sleep at night, but regarding sleep during the day, it is appropriate to be concerned with his words. And that is the established custom in the world, not to make a beracha during the day, even after a formal rest.*

ויש לתמוה...היאך הנהיג האב דלא כמאן והבן ייפה כח האב משום דיש מחלוקת בדבר ואנן לא אשכחן מאן דפליג בהא ואפשר שטעמם משום דלר"ת אפילו שינת כל הלילה לא הוי הפסק...ואע"פ שאין הלכה כמותו מפני שכל הפוסקים חולקים עליו היינו בשינת לילה אבל בשינת יום מיהו יש לחוש לדבריו. וכן נוהגים העולם שלא לברך ביום אפילו אחר שינת קבע:

Nevertheless, the *Beis Yosef* records that the common custom is to be concerned about Rabbeinu Tam's minority opinion after sleep during the day, despite our disregarding it for sleeping during the night. The *Beis Yosef* mirrors his ruling in the *Shulchan Aruch* (*ibid.*, 11):

*A formal sleep during the day, on a bed, is considered a hiatus. And some rule that it is not a hiatus, and that is the commonly accepted custom.*

ושינת קבע ביום, על מטתו, הוי הפסק. וי"א דלא הוי הפסק, וכן נהגו.

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## The Opinion of the Magen Avraham

The *Magen Avraham* (ibid., 12) makes the same observation as the *Beis Yosef*. He notices that we completely disregard Rabbeinu Tam's opinion with regard to nocturnal sleep. That is, the *Shulchan Aruch* clearly records that a person who wakes up before the day begins still recites *birchas haTorah*, in accordance with the majority opinion of the Rishonim and against Rabbeinu Tam. However, the *Shulchan Aruch* also records the common custom not to make *birchas haTorah* when arising from a nap, which is evidence that we are concerned with fulfilling Rabbeinu Tam's opinion – that only a new day creates a new requirement – as well.

Therefore, the *Magen Avraham* concludes that the custom the *Shulchan Aruch* records must be based upon a new comprehension of the *sugya* (topic) which combines aspects of the opinions of all the Rishonim. *Birchas haTorah* only last for the amount of time a person wants it to. When one recites *birchas haTorah* in the morning, he intends to include the period of time from when his day starts until his day ends. Therefore, when he sleeps during the day, he is not required to say the *berachos* afterward. The *Magen Avraham* continues that according to this logic, if one is up the whole night, he still should recite *birchas haTorah* the next morning, as the statute of limitations he set in his own mind has passed. Even though he never slept, the previous day ended, and *birchas haTorah* must be said anew.



The *Magen Avraham* repeats his argument in *Hilchos Shavuos* (494, 1), but concludes that he is not completely certain that this is the halacha.

Therefore, he recommends that a person who is up the whole night on Shavuos listen to *birchas haTorah* from another in order to fulfill all opinions and not make a *beracha l'vatala* – a blessing for naught.

## The Approach of Rabbi Akiva Eiger

However, Rabbi Akiva Eiger (*Hagahos Rabbi Akiva Eiger*, O.C. 47, 2) takes issue with the *Magen Avraham's* ruling. He argues that it is clear from the words of the *Beis Yosef* that *birchas haTorah* is a function of sleep. At the same time, out of slight concern for Rabbeinu Tam's opinion, it is also customary to refrain from saying *birchas haTorah* after a daytime rest. Therefore, Rabbi Akiva Eiger maintains that until one arises after a night's sleep, he should not say *birchas haTorah*.

Rabbi Akiva Eiger maintains that the widespread custom that the *Shulchan Aruch* quotes does not presume that Rabbeinu Tam is really correct at all, but still respects his opinion not to make a *beracha* if one sleeps during the day. However, there certainly is no source for the *Magen Avraham's* novel interpretation that *birchas haTorah* lasts for the amount of time a person wants it to. According to the approach of Rabbi Akiva Eiger, one does not even need to listen to another person make *birchas haTorah* after he stayed up the whole

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night on Shavuos, because there is simply no requirement to say the *bracha*.

The *Magen Avraham* and Rabbi Akiva Eiger dispute the requirement to say *birchas haTorah* after staying up all night. Therefore, it is even more understandable to practice the *Magen Avraham's* advice to listen to another individual's *beracha* on Shavuos morning, instead of saying one's own.

## Rabbi Akiva Eiger's Unique Ruling

Rabbi Akiva Eiger continues with a unique *chiddush*. He suggests that if one were to sleep during the day prior to staying up the whole night, such as on Erev Shavuos, he would be able to say his own *birchas haTorah* according to all opinions. In the view of most of the Rishonim, *birchas haTorah* is a function of waking up from any long sleep, even during the day. That alone would necessitate *birchas haTorah*. Even though common practice is to be concerned with Rabbeinu Tam's opinion and not to say *birchas haTorah* after a daytime rest, even Rabbeinu Tam rules to say *birchas haTorah* again when the new day breaks. Therefore, once the new day breaks, one would be required to say *birchas haTorah* according to all opinions. This unique approach is codified by the *Mishna Berurah* (ibid., 28).

However, it is important to note that Rabbi Akiva Eiger's approach is also somewhat revolutionary. A close reading of the *Beis Yosef* and *Shulchan Aruch* seems to imply that the common custom is to be more stringent than the majority opinion among the Rishonim and to only consider nocturnal sleep as a significant hiatus. Therefore, even if one would sleep during the day, it would not suffice according to the common custom, which is to say *birchas haTorah* only after a night's sleep. As long as one did not sleep at night, one should not say *birchas haTorah* at all.

In fact, the *Chazon Ish* is quoted as having disagreed with the ruling of Rabbi Akiva Eiger and the *Mishna Berurah*. The *Sefer Ishei Yisrael* (p. 744) refers to that tradition and the author records that he asked the *Chazon Ish's* nephew, Rav Chaim Kanievsky, to verify and explain his uncle's ruling. In his characteristic, pithy response, Rav Chaim Kanievsky verifies it and replied " נכון, שכל שינת היום נחשב עראי." "Correct, because any sleep during the day is considered insignificant." Rav Chaim Kanievsky's terse explanation seems difficult to understand, since the majority of the Rishonim *did* consider sleep during the day to be a significant hiatus to require *birchas haTorah*.

However, it is possible that Rav Chaim Kanievsky is making the aforementioned point. Although the Rishonim consider sleep during the day to be a significant break, the custom of *Klal Yisrael*, as recorded in the *Shulchan Aruch*, is to only say *birchas haTorah* after a night's sleep. Therefore, even if one were to sleep during the day, it would be insufficient to require *birchas haTorah* the next day.

## If You Aren't Waking Up... Yet

There is a dispute among the Rishonim as to what requires a person to say *birchas haTorah* – each new day or awaking from sleep. Rabbeinu Tam sees the requirement as daily, but the *Shulchan Aruch* codifies the opinion of most other Rishonim, that it is purely based upon arising. Therefore, the *Shulchan Aruch* maintains that a person who wakes up before daybreak should

still recite *birchas haTorah*. However, the *Shulchan Aruch* still recommends that a person not make *birchas haTorah* if he naps during the day, out of slight concern for Rabbeinu Tam's opinion.

The *Magen Avraham* suggests that the halacha is that *birchas haTorah* is a function of one's own intent, and stops just short of suggesting that a person is required to make a *beracha* each morning, even if he didn't sleep. Rabbi Akiva Eiger maintains that there is no requirement until one sleeps at night. Since it is a matter of uncertainty and disagreement, the *Mishna Berurah* (ibid.) rules that it is best to hear *birchas haTorah* from a person who did sleep for part of the night of Shavuot. Rabbi Akiva Eiger also adds that one who sleeps during the day and then waits until the next morning can recite *birchas haTorah*. The *Mishna Berurah* does maintain like Rabbi Akiva Eiger's *chiddush* but the *Chazon Ish* and Rav Chaim Kanievsky disagree.

As we are privileged to revisit our acceptance of Torah and *mitzvos* on Shavuot, may we be merit to see the fulfillment of the beautiful aspiration we pray for in *birchas haTorah*, וְנִדְבֶה אֱמֻנָנוּ וְנִדְבֶה אֱמֻנָנוּ וְנִדְבֶה אֱמֻנָנוּ, and may we, our descendants, and the descendants of Your people the House of Israel all know Your Name and study Your Torah for its own sake.