עשיית צרכיו קודם נטילת ידים

מה. יש המחמירים להניח בלילה ליד מטתם נטלה עם מים וקערה, ונוטלים ידיהם תחלה ג' פעמים בלא ברכה, ואחר כך הולכים להתפנות, וכשיוצאים מבית הכסא, נוטלים שוב את ידיהם ג' פעמים, ומברכים על נטילת ידים ואשר יצר (ראה משנ"ב סי' ד ס"ק ד, בא"ח פי' ויצא ה"ב). ותבוא עליהם ברכה.

Using the Restroom Before *Netillat Yadayim*

Pan of water next to one's bed

45) Some people practice the stringency of keeping a container filled with water and an empty pan next to their beds so that they can perform *netillat yadayim* even before they climb out of bed in the morning. They do not recite the blessing at this time, however. After this *netillat yadayim*, they go to the restroom and relieve themselves, and then they repeat *netillat yadayim* to recite the blessings of *al netillat yadayim* and *asher yatzar*. This is a commendable practice; those people will receive a special blessing from Heaven.

HIDA, however, testified that he found in a handwritten manuscript of the *Zohar* (introduction, page 10).

The *Shevut Yaakov* (Vol. III, #1) suggested that as long as a person remains indoors he is not considered to have gone a distance of four cubits, and so it is permissible to walk about in one's home before performing *netillat yadayim*. The *Eliya Rabba* (1:4) disagreed with this ruling, and the *Sha'are Teshuva* (1:2) and *Mishna Berura* (1:2) concluded that one may rely on it only when there is no other choice.

The *Bayit Hadash* pointed out that Maran failed to mention this halakha in the *Bet Yosef* or the *Shulhan Arukh*. The *Damesek Eliezer*, cited by the *Eliya Rabba*, suggested that it is because there are no harmful spiritual forces in modern times. The *Eliya Rabba* added that this is apparently why most people do not observe this halakha in our times. Harav HIDA (*Birke Yosef* 1:1), however, testified that in his area most people do observe this halakha. The *Ben Ish Hai* likewise ruled accordingly, citing the Arizal. He added that people should make sure to prepare water before they go to sleep and to keep it ready by their bedsides.

The *Artzot Hahayim* (4:22) claimed that according to the Talmud there is no such prohibition. He pointed out that the Talmud teaches (*Berakhot* 60b) that when one begins to walk in the morning he must recite the blessing of *hamekhin mitz'ade gaver*.... When he performs *netillat yadayim*, he must recite the blessing of *al netillat yadayim*. Many *Rishonim* understood that the Talmud lists the blessings and acts in the order they are to be performed. If so, it must be that one may walk about before performing *netillat yadayim*.

The *Halakha Berura* (*Otzerot Yosef* page 7) refuted this argument, suggesting that the Talmud might mean to walk two or three short steps totaling less than four cubits. Despite this, he concluded that one may be lenient in this matter in the light of the rulings of the *Shevut Yaakov* and the *Eliya Rabba*. This appears to be the position of Maran the Rishon Letziyon as well, as is evident from responsa *Yabia Omer* (Vol. IV, #2-4).

After midnight

Maran the Rishon Letziyon told his son, Harav David, that one may certainly be lenient in this matter if one remained awake until after the halakhic midnight. This is based on the comment of the *Kaf Hahayim* Sofer (4:4) that if someone woke from his sleep before the halakhic midnight he may walk about before performing *netillat yadayim* since the halakha forbidding it applies "*only to someone who was asleep at the moment of midnight*." According to this, if someone remained awake until after that time he may likewise walk about before performing *netillat yadayim*. Maran the Rishon Letziyon was accustomed to be lenient, and this is because he almost never went to sleep before midnight during the weekdays. Although he retired earlier on Shabbat, there is a strong basis to be lenient in this matter on Shabbat and *Yom Tov*, since the *Kaf Hahayim* Sofer (1:9) explained that the harmful forces are less virulent on these holy days.

אולם העיקר לדינא, שהקם ממטתו בבוקר, רשאי לילך לשירותים להתפנות קודם הנטילה, ואחר כך ליטול ידיו ולברך. ואף שהולך ד' אמות נתבאר לעיל דשרי. (אמנם אם ישן קודם חצות ויודע שיגע בנקביו בבית הכסא, יש לו ליטול ידיו תחילה בלא ברכה, ואחר כך יתפנה בבית הכסא, וכשיצא מבית הכסא יטול שוב את ידיו, ויברך על נטילת ידים ואשר יצר. ואם ישן אחר חצות, אף כשיודע שיגע בנקביו, רשאי להתפנות קודם נטילת ידים).

Technically, however, one may go to the restroom and relieve oneself before performing *netillat yadayim*. As explained in the previous halakha, it is permissible to walk about in one's house before performing this mitzvah. Nevertheless, if someone went to sleep before the halakhic midnight and he will need to touch the apertures of his body in the restroom, he must make sure to perform *netillat yadayim* before relieving himself, but without reciting the blessing. After he finishes and exits the restroom, he should repeat *netillat yadayim* and recite the blessings of *al netillat yadayim* and *asher yatzar*. If the person remained awake until after the halakhic midnight, however, he may relieve himself as usual before performing *netillat yadayim* at all.[192]

192. Ruling of the *Mishna Berura and Ben Ish Hai*

The *Mishna Berura* (4:4) ruled that upon waking up in the morning, a person should perform *netillat yadayim* without reciting the blessing and go immediately to relieve himself in the restroom. If the person feels the urge to relieve himself when he wakes up, it is certainly forbidden for him to recite the blessing of *al netillat yadayim* before relieving himself. After exiting the restroom, he should repeat *netillat yadayim* and recite the blessings of *al netillat yadayim* and *asher yatzar*. This procedure, the *Mishna Berura* contended, is correct according to all *Poskim*. The *Ben Ish Hai* ruled likewise, explaining that it is important to perform *netillat yadayim* before going to the restroom so that it will be permissible to walk four cubits and to cleanse one's body after relieving oneself.

Argument of the *Yalkut Yosef* and *Halakha Berura*

The *Halakha Berura* (page 55) challenged this ruling, since according to Rambam one must recite the blessing of *al netillat yadayim* at the time one performs the mitzvah, and one may not postpone the blessing till later. If so, when someone performs the mitzvah without a blessing and then goes to the restroom, it should be forbidden for him to recite the blessing afterward even if he repeats the act of the mitzvah. The *Mishna Berura* may have relied on those *Poskim* who permit one to recite the blessing of *al netillat yadayim* long after performing the mitzvah (this opinion was cited above in halakha 9), but we must follow the opinion of Rambam. Therefore, the procedure recommended by the *Mishna Berura* is not, as he put it, "correct according to all *Poskim*." The *Yalkut Yosef* (page 388) objected to the *Mishna Berura* for the same reason.

A resolution

Above in halakha 9, it was explained that if someone performs *netillat yadayim* in an unclean place where it is impossible to recite any blessing, he may still recite the blessing after he moves to a suitable place even though he has already dried his hands. This is based on the opinion of Mahara"m Nigrin, cited by Harav HIDA, that the harmful forces are not dispelled from a person's hands until he dries them after *netillat yadayim*. In any case, he must do his best to minimize the interruption before reciting the blessing. The *Yalkut Yosef* (first edition, page 14) supported this ruling, citing the *Shulhan Arukh* (6:2) reporting that some people have the practice of postponing the blessing of *al netillat yadayim* until they arrive at the synagogue. According to this, there is a basis for someone who wakes up feeling the urge to relieve himself to perform *netillat yadayim*, go to the restroom, perform *netillat yadayim* a second time and recite the blessing.

Nevertheless, this ruling still ignores the opinion of Rambam. Once the mitzvah has been performed, Rambam never permits reciting the blessing later on. Furthermore, one cannot argue that the blessing recited after the second *netillat yadayim* can count for the first act of *netillat yadayim*, since according to Rambam, the purpose of the morning *netillat yadayim* is to prepare for praying *shaharit*, and in this case the person dirtied his hands after the first *netillat yadayim* by going to the restroom.

Nonetheless, according to Rambam one must recite the blessing of *al netillat yadayim* when washing one's hands before every time one prays. Accordingly, Rambam would agree in this case that one must recite the blessing upon performing *netillat yadayim* the second time, since that is the

מו. כשניעור בלילה לעשות צרכיו, ודעתו לישון מיד אחר כך, אם בדעתו להמשיך לישון מיד, יטול ידיו לאחר שיצא מהשירותים, ויברך "אשר יצר", אך לא יברך "על נטילת ידים", שהרי דעתו לחזור ולישון. ובקומו בבוקר יטול ידיו, ויברך "על נטילת ידים". ונתבאר דין זה לעיל בסימן ג' הלכה ה'.

Using the restroom during the night

46) If someone wakes up in the middle of the night to relieve himself and he intends to go right back to sleep, he should wash his hands after relieving himself and recite the blessing of *asher yatzar*, but not the blessing of *al netillat yadayim*. When he gets up in the morning to begin his day, he should perform *netillat yadayim* and recite the blessing. This was explained above in *Siman* 3:5.

washing that makes him fit for praying. Thus, the ruling of the *Mishna Berura* and *Ben Ish Hai* is resolved.

Another possible resolution is to say that when the person performs *netillat yadayim* the first time, he has no intention of fulfilling this mitzvah; he wishes only to be able to go to the restroom. Therefore, when he performs the mitzvah the second time he may recite the blessing. This idea was discussed above in the footnote to halakha 5.

Maran the Rishon Letziyon

Both the *Halakha Berura* and the *Yalkut Yosef* agreed that technically it is permissible to relieve oneself before performing the morning *netillat yadayim*. Although one might have to walk more than four cubits to get to the restroom, it has already been explained that there is a basis to permit this in our times. In fact, the author of *Halakha Berura* testified that Maran the Rishon Letziyon often relieved himself before performing *netillat yadayim* in the morning, explaining that the halakha permits it. He noted that the halakhot about relieving oneself are found in *Siman* 3 while the halakhot of *netillat yadayim* are in *Siman* 4, alluding to the fact that one may relieve oneself before *netillat yadayim*.

The *Yalkut Yosef* (page 385) struggled to explain this halakha, since people usually have to touch their body openings to clean themselves after relieving themselves. Therefore, he stipulated that a person may relieve himself before *netillat yadayim* only if he can do so without touching his body parts more than what is absolutely necessary.

Does the *Yalkut Yosef* mean that one may touch the body parts before *netillat yadayim* if it is necessary? This is unlikely, since the *Shulhan Arukh* forbids it. Maran the Rishon Letziyon, as is well known, always went to bed after midnight. Therefore, he could afford to be lenient and touch his body parts before performing *netillat yadayim*, as explained above in halakha 39. Someone who goes to sleep before midnight, however, must not touch any body openings until after performing *netillat yadayim*.

Regarding the prohibition of *bal teshaketzu*

Both the *Halakha Berura* and the *Yalkut Yosef* ruled that if someone feels an urgent need to relieve himself upon waking up, and he would not be able to postpone it for seventy-two minutes, then he certainly must run to relieve himself and not bother to perform *netillat yadayim*. If he would delay long enough to perform *netillat yadayim*, he would transgress the prohibition of *bal teshaketzu*. They based this ruling on the words of the *Mishna Berura* (1:2): "Under no circumstances may anyone sin with the excuse of not having yet performed *netillat yadayim*. For instance, one must not postpone urinating [because one has not yet performed *netillat yadayim*]."

It seems, however, that the *Mishna Berura* disagreed with this ruling. The *Mishna Berura* states (4:4) that if someone feels an urge to relieve himself upon waking up, he must not recite the blessing after performing *netillat yadayim* the first time, since it is forbidden to recite any blessing while in such a state." Apparently, although this person urgently needs to relieve himself, the proper procedure is to perform *netillat yadayim* and then go to relieve oneself. The few seconds it takes to perform *netillat yadayim* does not constitute an infringement on *bal teshaketzu*. The passage in *Siman* 1 is speaking about someone who has no water and would have to take a few minutes to obtain it and perform *netillat yadayim*. In such a case, he must not postpone relieving himself.

The *Ben Ish Hai* likewise described a case of someone who needs to relieve himself upon waking up, and still he ruled that the person must first perform *netillat yadayim* and then go to relieve himself. Apparently, the *Poskim* agreed that the prohibition of *bal teshaketzu* does not forbid a momentary postponement of relief. Furthermore, Maran the Rishon Letziyon (*Halikhot Olam*, cited above in *Siman* 3:4) ruled that while teaching Torah to a group, a person may postpone relieving himself. If so, it is logical to say that one may postpone it to perform the mitzvah of *netillat yadayim* and avoid walking four cubits or touching one's body parts without *netillat yadayim*.

מז. למנהג הספרדים ועדות המזרח, אם לא עשה צרכיו בבוקר, אינו מברך "אשר יצר" כלל. [ראה הלכה ברורה עמ' נח]

לימוד וברכה קודם נטילה

מח. אף על פי שלכתחלה אין ללמוד תורה או לברך ברכה כל שהיא קודם נטילת ידים שחרית, כי בזוהר הקדוש החמיר בזה מאד, מכל מקום אם שמע קדיש או קדושה בפתע פתאום, ואין לו שהות ליטול ידיו, רשאי ומצוה עליו לענות הקדיש והקדושה, ויסמוך על דעת הרמב"ם והרא"ש והרשב"א והטור והשלחן ערוך, שסוברים כפשט דברי התלמוד (ברכות ס ע"ב) שכל ברכות השחר נתקנו

***Asher yatzar* without relieving oneself**

47) The custom of Sefardic Jews is not to recite the blessing of *asher yatzar* in the morning unless the person relieves himself.[193]

Day 60

Torah Study and Blessings Before *Netillat Yadayim*

The *Zohar* forbids it

48) It is certainly best to make sure to perform the morning *netillat yadayim* before beginning any Torah study or reciting any blessings, since according to the holy *Zohar* it is absolutely forbidden otherwise. Nevertheless, if someone happens to hear kaddish or *Kedusha* before he has a chance to perform *netillat yadayim*, he must respond accordingly, relying on the opinion of Rambam, Rabbenu Asher, the Rashba, the *Arba'a Turim* and the *Shulhan Arukh*. According to their interpretation of the

Asher yatzar* instead of *al netillat yadayim

The *Yalkut Yosef* (page 349) described a case of someone who relieved himself before performing *netillat yadayim* in the morning, and then performed *netillat yadayim*. He then began reciting the blessings, intending to recite that of *al netillat yadayim* first and then that of *asher yatzar*. When he reached the words *Melekh ha'olam*, however, he became confused and he continued with the words of *asher yatzar* instead of *asher kideshanu ... al netillat yadayim*. The *Yalkut Yosef* ruled that in this case he should continue the blessing of *asher yatzar* and afterward recite the blessing of *al netillat yadayim*.

This ruling, however, does not appear to be correct. Rambam and the *Shulhan Arukh* (209) both ruled that if someone picked up a glass of beer and began reciting the blessing of *shehakol nihya bidvaro*, even if he becomes confused and ends up reciting the blessing of *bore peri hagefen*, his blessing is valid and he may drink the beer. Although the words of *bore peri hagefen* are totally inappropriate for beer, the blessing is valid since he had intended to recite *shehakol nihya bidvaro* when he recited God's Name in the blessing. Even though many *Aharonim* disagreed with this ruling, as explained by the *Mishna Berura* , we still follow this ruling because of the principle of *safek berakhot lehakel*.

In fact, because of this halakhic debate, we should have to say *safek berakhot lehakel* about both *berakhot*. For example, the *Or Letziyon* (Vol. II, 4:3) ruled that if someone began to recite the blessing of *poke'ah ivrim* but then he became confused and ended the blessing with the words *matir asurim*, he must not repeat either blessing. According to Rambam this blessing counts as *poke'ah ivrim*, and according to the other *Rishonim* it counts as *matir asurim*, so the principle of *safek berakhot lehakel* makes it impossible to repeat either one. If so, in this case as well, since the person began the blessing intending to say *al netillat yadayim*, he fulfills his obligation for that blessing even though he ended up reciting the blessing of *asher yatzar*. Therefore, he must not recite the blessing of *al netillat yadayim* after completing the blessing of *asher yatzar*, unlike the ruling of the *Yalkut Yosef*.

193. In some Ashkenazic communities, the custom is to recite the blessings of *al netillat yadayim* and *asher yatzar* whether or not one relieved oneself that morning. See the comments of the *Halakha Berura* (page 58).