זמני קימה המחייבים נטילת ידים

ס. מי שהלך לישון אחר חצות הלילה, וישן שינת קבע על מטתו, כשקם משנתו צריך ליטול ידיו נטילת ידים שחרית, ומברך "על נטילת ידים". [הליכו"ע ח"א עמ' לד]

Day 63

Sleeping Habits Regarding *Netillat Yadayim*

Went to sleep after midnight

60) If someone remains awake until after the halakhic midnight [which means halfway between dusk and dawn] and then goes to sleep in bed, he must nevertheless perform *netillat yadayim* upon waking up in the morning and recite the blessing of *al netillat yadayim*.[204]

cised. Therefore, it is the way of holy people to avoid things that an infant has touched without *netillat yadayim*.

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IV, #1:11) explained that Harav Zalman and the *Peri Megadim* debated the halakha regarding foods that a child touched without performing *netillat yadayim*, and he concluded that although this should be avoided, the food remains permissible once it has happened. See above in halakhot 34 and 35.

This discussion shows that there is technically no obligation to perform *netillat yadayim* on the hands of little children younger than the age of *hinukh*, but it is a recommended practice to enhance the child's chances of growing up with a holy and pure soul.

The responsa *Tzitz Eliezer* (Vol. VII, #2:4-5) testified that the common custom is not to pay any attention whether or not little children touch foods even though they have not performed *netillat yadayim*. Nevertheless, it is best to avoid foods that he has touched in that state. In our times of indoor plumbing, when we need only to turn on the faucet to get fresh water, it is certainly proper to train our little children to perform *netillat yadayim* every morning, following the instructions of the *Ben Ish Hai*. See the comment of the *Halakha Berura* (page 69).

Under a Running Faucet

Anyone who has a container available for the morning *netillat yadayim* should use the container instead of simply placing one's hands under a running faucet. This applies to both adults and children. As explained above in halakha 12, an adult may not recite the blessing of *al netillat yadayim* if he performed the mitzvah by placing his hands under a running faucet, based on the principle of *safek berakhot lehakel*. The *Yalkut Yosef* (footnote on page 335) ruled that this applies to adults only. If someone has no container with which to perform *netillat yadayim*, he can instruct his children to place their hands under a running faucet, and the children may then recite the blessing of *al netillat yadayim*, unlike adults. This is because Maran ruled clearly in the *Shulhan Arukh* (4:7) that it is possible to fulfill the mitzvah of the morning *netillat yadayim* without pouring the water from a container. Although some *Poskim* disagreed with this ruling and adults may not recite the blessing, we may nevertheless instruct children to recite the blessing in this case. This is because the *Arba'a Turim* (*Siman* 269) taught a rule that whenever the *Poskim* debated a halakha and we follow the stringent opinion, children may still follow the lenient opinion.

204. The *Ben Ish Hai* (*parashat Toledot* halakha 13) ruled that if someone remained awake until after the halakhic midnight, whether he was partying or working, and then went to sleep until the morning, he must perform the mitzvah of *netillat yadayim* as usual and recite the blessing. He pointed out that Harav Shalom Mizrahi Sharabi wrote (*Nehar Shalom*) that in such a case no harmful forces contaminate one's hands and it is not necessary to perform *netillat yadayim*, but he explained that this applies only if the person energized his soul before retiring by reciting all the morning blessings and spending some time studying Torah. Likewise, his grandson, Harav Avraham Sharabi, agreed that if the person remained awake until after midnight but he did not recite all the morning blessings and spend time in Torah study before going to sleep, he must perform *netillat yadayim* in the morning. He must not, however, recite the blessing of *al netillat yadayim* in this case.

The *Ben Ish Hai* added that he is not sure what the rule should be for someone who studied Torah for some time after midnight but did not recite the morning blessings before going to sleep. He testified, however, that the common custom is to perform the mitzvah and recite the blessing in this case. Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 34) added that this seems to be the opinion of the *Kaf Hahayim* Palachi (8:10) as well. If someone recited the morning blessings and spent some time after midnight studying Torah before going to sleep, he does not recite the blessing of *al netillat yadayim* in the morning. If he studied Torah but did not recite the morning blessings,

ומי שדעתו ללכת לישון אחר חצות הלילה, אינו מברך ברכות השחר אחר חצות הלילה, אלא מברך בבוקר בקומו משנתו. וכן המנהג. [הליכו"ע ח"א עמ' לה]

If someone remained awake until after the halakhic midnight and he plans to sleep until morning, he should not recite the morning blessings until he wakes up in the morning. This is the common custom.[205]

then he must recite the blessing of *al netillat yadayim* in the morning, unlike the ruling of Harav Avraham Sharabi.

Explaining the basis for the *Ben Ish Hai's* uncertainty, Maran the Rishon Letziyon pointed out that the Rashba taught that the reason for *netillat yadayim* in the morning is that we are considered newly created when we wake up each morning. If so, this should apply just as well to someone who studied Torah after midnight. Rabbenu Asher explained that the purpose of *netillat yadayim* in the morning is to cleanse one's hands in preparation for prayer since in all likelihood the person dirtied his hands by touching his body while he was sleeping. According to this reason as well, anyone who sleeps during the night should be obligated to perform *netillat yadayim* in the morning and to recite the blessing for that mitzvah, even though he remained awake until after midnight studying Torah. Indeed, the responsa *Mikhtav leHizkiyahu* (#1, page 9c) ruled that anyone who goes to sleep [in bed] must perform *netillat yadayim* in the morning and recite the blessing even though he had remained awake until after midnight. He warned that if anyone does not follow this ruling he will be liable to be punished for failing to recite the blessing for the mitzvah. Maran the Rishon Letziyon concluded that this is the correct ruling, and that it agrees with the common custom as the *Ben Ish Hai* testified.

The *Halakha Berura* (*Birur Halakha* page 85) explained that according to this, we do not follow the instructions given by Rav Avraham Sharabi. Therefore, even if someone remained awake until after the halakhic midnight, recited all the morning blessings and spent some time studying Torah and only then went to bed, he must perform *netillat yadayim* in the morning and recite the blessing. In fact, Maran the Rishon Letziyon wrote simply that if someone remained awake until after midnight he must perform *netillat yadayim* and recite the blessing in the morning, and he did not explain that this would not be the case if the person had recited the morning blessings and studied Torah before retiring. Apparently, this is the halakha in every case, unlike the ruling of the *Ben Ish Hai*.

It is possible, however, that Maran the Rishon Letziyon agreed with the ruling of the *Ben Ish Hai*. His ruling might be referring only to a case where the person did not recite the morning blessings before retiring, which is the recommended procedure anyway. The *Or Letziyon* (Vol. II, page 22, #7) concurred with the *Ben Ish Hai* that if someone stayed awake until after the halakhic midnight, recited all the morning blessings, studied Torah and then went to sleep, he must not recite the blessing when he performs *netillat yadayim* upon waking up in the morning.

205. This is the ruling of the *Ben Ish Hai* (*parashat Toledot* halakha 14). He explained that when people remain awake through the entire night, such as the nights of *Hoshana Rabba* and Shavuot, they should recite all the morning blessings immediately after the halakhic midnight, except that the blessings over Torah study must be recited only after dawn. Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 35) cited the responsa *Rav Pe'alim* (Vol. IV, #1) explaining that according to Harav Shalom Mizrahi Sharabi (*Nehar Shalom*) it is very important to recite the morning blessings immediately after midnight in order to energize one's soul, even if one plans to go to sleep soon afterward. Once he has recited the morning blessings, going to sleep during the night is no different than taking a daytime nap. The *Rav Pe'alim* concluded in the name of the *Ot Emet* (page 106a) that it is possible that this was Rav Sharabi's personal practice and he did not prescribe these instructions for everyone else. Nevertheless, we must emulate him since he emphasized the importance of this matter.

Maran the Rishon Letziyon testified that our custom is as the *Ben Ish Hai* stated, and we wait until waking in the morning to recite the morning blessings. Furthermore, the *sefer Mikabtze'el* reconciled the apparent contradiction between the *Ben Ish Hai* and the *Rav Pe'alim*. The *Rav Pe'alim* tells us the ideal practice, and that is to recite the blessings after midnight before going to sleep. For genuine Torah scholars, this is the formula to follow since there is no fear that they will forget to recite the blessings for Torah study when they wake up in the morning, or that they will mistakenly recite the morning blessings a second time. The *Ben Ish Hai*, which is a manual of halakha for the layman, tells us to postpone reciting the blessings until the morning. Otherwise, people might make the mistake of forgetting to recite the blessings for Torah study in the morning or they might repeat the morning blessings a second time.

סא. אם הלך לישון בתחלת הלילה, וקם משנתו קודם חצות הלילה, יטול ידיו בלא ברכה. ומכל מקום אם רצה לברך על נטילת ידים, יש לו על מה שיסמוך. [הליכו"ע ח"א עמ' לד]

סב. הניעור כל הלילה (כגון בליל חג שבועות והושענא רבה), יש לו ליטול ידיו לאחר עמוד השחר, אולם לא יברך על נטילת ידים. [ש"ע סי"ג וברמ"א שם, יחו"ד ח"ג סי' ק].

Slept and woke up before midnight

61) If someone went to sleep in the evening and rose before the halakhic midnight, he must perform *netillat yadayim* but he should not recite the blessing. There is a sound basis in the halakha to justify reciting the blessing in this case, however, and if someone wishes to recite it he may do so.[206]

Remained awake all night

62) When someone remains awake through the entire night, like on *Hoshana Rabba* and Shavuot, he must perform *netillat yadayim* after dawn, but he must not recite the blessing of *al netillat yadayim*.[207] Even if the person relieves himself and dirties his hands in the morning, he still may not recite the blessing of *al netillat yadayim*. This is the custom of Sefardic Jews.[208] The formula for *netillat yadayim*

This explanation is incomplete, for it does not give a reason for reciting the morning blessings immediately after midnight on the nights of *Hoshana Rabba* and Shavuot. The reason might be that on those occasions there is no fear that people will forget to recite the blessings for Torah study or repeat the morning blessings in the morning since everyone is all together in the synagogue and they will remind one another.

206. The *Ben Ish Hai* (*parashat Toledot* halakha 13) ruled that if someone rises from his sleep before the halakhic midnight, he still must perform *netillat yadayim* and recite the blessing. Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 35) pointed out that Harav Zalman's instructions in his prayer book are to perform *netillat yadayim* but without reciting the blessing. He explained that there is no basis to recite the blessing unless the person slept until after midnight. Only then is the person considered "as if he was newly created," justifying the blessing to be recited. Harav Zalman's ruling is cited by the *Amude Hashulhan* (2:11) and the *Ketzot Hashulhan* (2:6), unlike that of the *Ben Ish Hai*. The *Kaf Hahayim* Sofer (4:52) supported the *Ben Ish Hai*, claiming that the common custom follows his ruling and therefore the principle of *safek berakhot lehakel* does not apply in this case. This resolution is on shaky ground, for if it is true the *Ben Ish Hai* should have explained that his ruling is based on the common custom. Nevertheless, anyone who chooses to follow the *Ben Ish Hai's* ruling in this matter has a solid basis to justify his choice.

207. Maran wrote (*Shulhan Arukh O.H.* 4:13) that he is unsure whether or not a person must perform *netillat yadayim* after remaining awake through the night. The *Mishna Berura* (4:28) explained the question based on Maran's discussion in the *Bet Yosef*, as follows: According to the Rashba, the reason for the morning *netillat yadayim* is that a person is like a new creation after a night's sleep, and therefore, he must wash hands to sanctify himself in preparation for serving God during the day. The Rashba understood that our Sages' institution applies in all situations (*la pelug*), even when the reason does not apply because the person went all night without sleep. According to Rabbenu Asher, however, the reason for *netillat yadayim* is because a person cannot prevent his hands from touching unclean parts of his body while he sleeps, and therefore he must wash hands before beginning his morning prayers. If he did not sleep all night, however, he can be sure that he did not dirty his hands and it should be unnecessary to wash hands in the morning.

Regarding the harmful forces that contaminate one's hands, it is unclear whether the night itself causes this contamination even if someone does not sleep, or if it is the sleep that causes it. The doubt is reversed regarding someone who naps during the day. See more about this in the preface to this *Siman*.

208. The Rama ruled that because of our doubt, one must perform *netillat yadayim* but without reciting the blessing. The *Mishna Berura* (4:30) pointed out that some *Aharonim* ruled that one must recite the blessing as well.

לדידן אין לו ליטול עם ברכה, וכן מנהג בני ספרד. [כה"ח ס"ק מט, אול"צ ח"ב עמ' כב, ילקו"י עמ' שכד, ודלא כהמשנ"ב].
וכשנוטל ידיו מפני הספק, יטול ג' פעמים לסירוגין. [משנ"ב ס"ק כט, כה"ח ס"ק נד]
וראוי ליטול ידיו מיד בעמוד השחר, שהוא שבעים ושתים דקות בשעות זמניות קודם נץ החמה, ולכל הפחות קודם התפלה. [ילקו"י שם]

remains the same, however – one must pour the water three times alternately on each hand. It is best that one perform *netillat yadayim* as soon as it is dawn, which is seventy-two seasonal minutes before sunrise. If someone does not perform it at that time, he must at least make sure to perform it before the *shaḥarit* prayers.[209]

If the person who remained awake all night relieved himself in the morning before his prayers, however, the *Aḥaronim* agreed that he must perform *netillat yadayim* and recite the blessing. The *Mishna Berura* recommended this procedure: If someone remains awake all night, he should go to relieve himself in the morning and dirty his hands, and then he must perform *netillat yadayim* and recite the blessing "according to all *Poskim*." Harav Shelomo Zalman Auerbach (*Halikhot Shelomo Tefilla* page 20) concurred with this ruling.

The *Kaf Haḥayim* Sofer (4:49), however, cited the *Ma'amar Mordekhai* ruling that even if the person dirtied his hands in the morning he may not recite the blessing of *al netillat yadayim*. The *Neve Shalom* concurred with this. Therefore, the *Yalkut Yosef* (page 324) ruled that in practice one must not recite the blessing even if one dirtied one's hands in the morning.

One might argue that there is a *safek sefeka* to require the blessing to be recited in this case. First of all, some *Rishonim* ruled that whenever someone relieves himself he must recite the blessing of *al netillat yadayim* afterward. Even though we do not follow that opinion, perhaps in this case one must recite the blessing since it is the morning of a new day. However, the *Ma'amar Mordekhai* argued that there is no real *safek sefeka* here since it is possible that the Rashba does not assume that our Sages instituted a *la pelug* regarding this mitzvah. If so, he would rule that if someone did not sleep at all during the night he is not obligated to perform *netillat yadayim* in the morning since he is not considered a "newly created" person. Dirtying his hands in the morning will not change the facts. Furthermore, it might be that one's hands do not become contaminated with harmful forces if one remained awake all night. Dirtying one's hands in the morning will not affect that situation, either.

Even if there were a valid *safek sefeka*, the principle of *safek berakhot lehakel* applies even when there is a *safek sefeka* to require the blessing. Based on this, the *Halakha Berura* (page 82) ruled that when someone remains all night he must not recite the blessing of *al netillat yadayim* in the morning even after relieving himself.

209. *Netillat yadayim* before dawn

If someone remained awake throughout the night and he performed *netillat yadayim* before dawn, does he need to repeat it after dawn? The *Yalkut Yosef* (page 324) ruled that if someone performed *netillat yadayim* before dawn and then studied Torah until the morning, he does not have to repeat *netillat yadayim* after dawn. This seems to contradict Maran's ruling (4:14, cited below in halakha 64) that if someone wakes up before dawn and performs *netillat yadayim*, he might need to repeat *netillat yadayim* after dawn. There is no basis to suggest that Maran meant this ruling to apply only if the person had slept at night, but that if he did not sleep at all his pre-dawn *netillat yadayim* is sufficient. Whether or not a person sleeps, the harmful forces might contaminate his hands at the moment of dawn, necessitating *netillat yadayim* at that time even if the person had performed *netillat yadayim* earlier during the night.

The *Teshuvot Vehanhagot* (Vol. II, #2, cited in the *Yalkut Yosef* page 324) testified, "I witnessed many Torah scholars who rose from sleep during the night to study Torah and did not bother to perform *netillat yadayim* a second time at the moment of dawn. Their premise is that as long as someone is involved in Torah study or prayer, no harmful force will contaminate his hands at dawn. I found a basis for this in the words of Rabbenu Avraham ben David. It is likely, therefore, that the *Poskim* who necessitated performing *netillat yadayim* a second time after dawn were referring to someone who was not involved in Torah study or prayer. Nevertheless, after someone completes his study session and turns to begin his morning prayers, it is proper to perform *netillat yadayim* a second time even though he did so earlier during the night."

Based on this, the *Yalkut Yosef* specified that when a person rises during the night and "studies Torah" he does not have to repeat *netillat yadayim* at dawn. If he was

סג. אם ישן בלילה שינת עראי, כגון שישן פחות מחצי שעה, או כגון שלא ישן על מטתו, יש לו ליטול בבקר ידיו ג׳ פעמים לסירוגין, אך לא יברך על נטילת ידים בשם ומלכות, דספק ברכות להקל. [ראה כה״ח ס״ק נ, אוליצ עמי כב]

Day 64

Napped during the night

63) If someone napped on his bed for less than half an hour during the night, or napped while sitting up on a chair [even longer than half an hour], he must perform *netillat yadayim* in the morning in the regular manner – pouring water on each hand alternately three times. He must not recite the blessing of *al netillat yadayim* with God's Name, however, because of the principle of *safek berakhot lehakel*.[210]

involved in other pursuits, it would be necessary to repeat *netillat yadayim* at dawn.

The *Shulhan Arukh*, however, did not specify any such distinction. It appears from the way the halakha is written that one must repeat *netillat yadayim* after dawn [without reciting the blessing] even if one was busy studying Torah the entire time. Therefore, that is the halakha in practice. The *Teshuvot Vehanhagot* also agrees with this, although he suggested the distinction he made in order to defend the practice of the Torah scholars he witnessed who ignored this halakha.

210. Napping during the night

According to the explanation appearing in the *Bet Yosef* (4:12) and the *Eliya Rabba* (4:8), the Rashba and Rabbenu Asher disagreed about the halakha for someone who only naps during the night. Rabbenu Asher, who taught that the purpose of the morning *netillat yadayim* is to cleanse the hands since they probably touched parts of the person's body while he was asleep, it would not be necessary in this case. The assumption that a person dirties his hands during his sleep applies only to someone who lies down and sleeps for longer than half an hour. According to the Rashba, who taught that the purpose of the morning *netillat yadayim* is because each person is created "anew" each morning, the mitzvah applies in this case as well. Regardless of a person's position when he sleeps or how long he slept, he surrendered his soul to God and it was then returned to him, and he must perform *netillat yadayim*.

Maran in the *Bet Yosef* cited the *Zohar* stating that "a harmful force contaminates a person's hands after he sleeps on his bed." He explained that in truth this contamination takes place even if someone slept while sitting up. Whatever position one might assume while sleeping, his soul leaves his body and is replaced by an impure spirit that causes this contamination. This takes place whenever someone sleeps for the duration of "sixty breaths," as specified in the *Bet Yosef*. The *Kaf Hahayim* Sofer (4:50) added that even when there is such contamination, that alone would not warrant requiring the person to recite the blessing of *al netillat yadayim*. The rule is that we do not recite a blessing for fulfilling a mitzvah if its entire purpose is to protect us from harm. Thus, we reject the ruling of the *Haye Olam* that after napping during the night one must perform *netillat yadayim* and recite the blessing.

Less than half an hour

The *Mishna Berura* (4:34) agreed that if someone sleeps for less than "sixty breaths" his hands are not contaminated by any harmful force. Nevertheless, there is still the suspicion that a harmful force contaminates everyone's hands during the night, whether or not he has slept at all. Therefore, it is always necessary to perform *netillat yadayim* in the morning, but if someone had not slept he does not recite the blessing of *al netillat yadayim*.

As explained below in the footnote to halakha 67, the term "sixty breaths" means half an hour. If someone sleeps in bed for less than half an hour, he must not recite the blessing of *al netillat yadayim* in the morning, for perhaps his hands have not been contaminated at all.

According to Rabbenu Asher, what is meant by a nap? He wrote in a responsum that, "If someone gets up [during the night] to study Torah, he must wash hands and recite the blessing of *al netillat yadayim*. If he later lies down again to nap before dawn, then when he washes his hands in preparation for his prayers he does not have to recite the blessing of *al netillat yadayim* unless he goes to relieve himself, since he only napped."

Maran in the *Bet Yosef* explained that according to Rabbenu Asher it is altogether unnecessary for this person to perform *netillat yadayim* after his nap, since we do not suspect that he dirtied his hands while he was napping. Although he lay down to sleep, it is considered only a nap.

Rabbenu Asher did not explain how long a rest is considered a nap and when it is considered more than a nap. We can assume that at least up to half an hour it is considered a nap even though he lay down in bed, and no *netillat yadayim* is required according to Rabbenu Asher. From the standpoint of the spiritual harmful forces, there is likewise no need for *netillat yadayim* since this person slept less than "sixty breaths." According to the Rashba, however, he definitely must perform *netillat yadayim* since he went to