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

sleep during the night, no matter how short his nap. In practice, one must perform *netillat yadayim* but not recite the blessing, based on the principle of *safek berakhot lehakel*.

It appears that according to Rabbenu Asher even when one naps longer than half an hour it is still considered a nap and not a night's sleep. He did not say that a nap is no longer than "sixty breaths"; his position is that we do not suspect that a person dirties his hands during a nap, but he did not explain to us the length of the nap to which this dispensation applies.

In summary, any nap of less than half an hour is considered only a nap according to Rabbenu Asher. Likewise, one's hands are not contaminated by any harmful force in such a case since the nap is less than "sixty breaths." According to Rabbenu Asher, even when someone lies down to sleep an hour or more it might be considered only a nap.

Lying down to nap more than half an hour

The *Or Letziyon* (Vol. II, page 22) ruled that if someone lies down during the night and sleeps longer than half an hour he must perform *netillat yadayim* and recite the blessing. Sleeping in bed for more than half an hour cannot be considered a nap. Although there are *Poskim* who ruled that "sixty breaths" means three hours, we do not take that opinion into account. It makes no sense to say that a person who sleeps just under three hours during the night has only napped, the *Or Letziyon* argued.

The *Kitzur Shulhan Arukh* Ganzfried (2:8) likewise ruled that if someone sleeps for longer than half an hour at night, he must perform *netillat yadayim* and recite the blessing.

This ruling, however, contradicts the above discussion where it was demonstrated that according to Rabbenu Asher a nap can be even longer than half an hour. The *Kaf Hahayim* Sofer (4:50) likewise argued on the ruling of the *Kitzur*, explaining that although one's hands become contaminated after sleeping for more than half an hour – the span of "sixty breaths" – that is not a basis to recite the blessing of *al netillat yadayim*. As long as it is only a nap, one must not recite the blessing, he argued.

It is possible that there is only an issue of terminology here and not one of halakha. We could suggest that the *Kitzur Shulhan Arukh* defined a nap as sleeping while sitting up or lying in bed, as long as it is shorter than half an hour. If someone sleeps while lying down for more than half an hour, it is not a nap and he must perform *netillat yadayim* and recite the blessing. The *Kaf Hahayim* thought that the *Kitzur* was referring to someone sleeping in a sitting position, and therefore he argued that even if the person sleeps longer than half an hour it is only a nap. If this interpretation is correct then there is no contradiction between the *Kaf Hahayim* and the *Or Letziyon*. Nevertheless, Rabbenu Asher wrote clearly that even if one lies down and sleeps longer than half an hour it can be considered a nap, and this seems to contradict the *Or Letziyon*.

Sleeping all night in a sitting position

Rabbenu Asher, in the responsum cited above, ruled that when someone sleeps in a sitting position it is considered only a nap. Therefore, he ruled that if someone naps in a sitting position during the night, he does not need to recite the blessings for Torah study if he wakes up later at night and wishes to continue studying Torah. Maran in the *Bet Yosef* added that since it is considered only a nap, we do not suspect that someone sleeping in a sitting position might dirty his hands, which according to Rabbenu Asher is the reason for *netillat yadayim*. This is especially so since someone who sleeps while sitting up is generally still wearing his clothes, and he cannot touch his skin while he sleeps. Therefore, according to Rabbenu Asher it is not necessary for this person to perform *netillat yadayim* when he wakes up, no matter how long he slept.

Although this person did not sleep while lying in bed, his hands do become contaminated with harmful forces after half an hour. Therefore, according to the *Zohar* he must perform *netillat yadayim* when he wakes up. According to the Rashba as well, he must perform *netillat yadayim* since he is "newly created" regardless of the position in which he slept. He must not recite the blessing, however, since according to Rabbenu Asher *netillat yadayim* is unnecessary.

The *Halakha Berura*

As explained in this discussion, the *Poskim* debated whether one is required to perform *netillat yadayim* after lying down to sleep for less than half an hour, and also if someone slept while in a sitting position for any length of time. In both these cases, the halakha requires him to perform *netillat yadayim* but he cannot recite the blessing. The *Halakha Berura* (page 83), however, ruled that if this person would go to relieve himself in the morning and dirty his hands, he can then perform *netillat yadayim* and recite the blessing. This is because there is a *safek sefeka* to say that the blessing is warranted. For one thing, many *Rishonim* ruled that whenever someone relieves himself before praying he must recite the blessing of *al netillat yadayim*. Although Maran did not concur with that ruling, according to the Rashba it is always necessary to perform *netillat yadayim* and recite the blessing after napping during the night. Thus, there are two arguments to warrant reciting the blessing. Although normally a *safek sefeka* does not usually override the principle of *safek berakhot lehakel*, in this case it can override it since Maran agreed that it is possible to recite the blessing after napping during the night.

In a previous footnote, it was shown that many *Poskim*, including the *Mishna Berura*, ruled that even when someone remains awake all night long, if he relieves himself in the morning before praying he can recite the blessing of *al netillat yadayim*. Therefore, when someone naps during the night and then relieves himself in the morning, all the *Poskim* agreed that he is obligated to perform *netillat yadayim*. According to Rabbenu Asher he is obligated since he relieved himself and dirtied his hands, and according to the Rashba he is obligated since our Sages' rule requiring *netillat yadayim* is a *la pelug* and remains in force even when the reason is not applicable.

סד. השכים קום קודם עמוד השחר ונטל ידיו כדין, יש להסתפק אם צריך לחזור וליטול ידיו פעם שנית כשיאיר היום, להעביר הרוח רעה השורה על הידים, כי יש אומרים שבעמוד השחר חוזר הרוח רעה לשרות פעם שנית. ולכן יטלם ג׳ פעמים לסירוגין בלי ברכה. [ש״ע ס״ד ורמ״א שם, וכה״ח ס״ק נד, ילקו״י עמ׳ שכט]

Day 65

***Netillat yadayim* before dawn**

64) If someone woke up and performed *netillat yadayim* before dawn, he should repeat the act of *netillat yadayim*, pouring water on each hand alternately three times, after dawn. This is because some *Poskim* ruled that one's hands become contaminated by a harmful force at dawn whether or not one is sleeping at that time. He must not repeat the blessing of *al netillat yadayim*, however.[211]

Therefore, those people who get up before dawn during the month of Elul in order to recite the *selihot* prayers must remember to repeat *netillat yadayim* before they begin the *shaharit* prayers. They are not to repeat the blessing, as explained here.

The *Ma'amar Mordekhai* testified that the custom is not to recite the blessing of *al netillat yadayim* if one remained awake all night, since it is not certain that the Rashba requires *netillat yadayim* in this case. It might not be true that the institution of *netillat yadayim* is one of *la pelug*. Furthermore, if someone remained awake all night it may be that his hands do not become contaminated with any harmful force.

When someone naps during the night, however, the *Ma'amar Mordekhai's* arguments do not apply. In this case, if he relieves himself and dirties his hands in the morning he is obligated to perform *netillat yadayim* according to both the Rashba and Rabbenu Asher, and especially if he slept for "sixty breaths" and his hands are contaminated with a harmful force. Therefore, he should be able to recite the blessing according to all *Poskim*, as the *Halakha Berura* ruled.

Challenging the *Halakha Berura*

This ruling makes sense as long as the person slept for at least "sixty breaths," even if he was in a sitting position. This sleep satisfies all the criteria to necessitate *netillat yadayim* with its blessing. If he slept for less than "sixty breaths," however, his hands are not contaminated with the harmful force that comes through sleep, as the *Halakha Berura* states clearly. Even if he then relieves himself in a restroom and dirties his hands, they are not contaminated to the same degree. Although it is true that both the Rashba and Rabbenu Asher would rule that he must perform *netillat yadayim* and recite its blessing, but he is missing the criterion that the *Zohar* requires – that his hands be contaminated with the harmful force that comes through sleep. Above in halakha 60, it was shown that if someone remains awake until after the halakhic midnight, recites all the morning blessings and studies Torah for some time before going to sleep, he does not recite the blessing of *al netillat yadayim* upon waking up in the morning.

In defense of the *Halakha Berura*, it must be pointed out that he disagreed with the case of halakha 60 as well. He understood that Maran the Rishon Letziyon (in *Halikhot Olam*) rejected the *Ben Ish Hai's* ruling and ruled that even if someone goes to sleep after reciting the morning blessings and studying Torah, he must perform *netillat yadayim* with its blessing when waking up in the morning. If this is true, it means that Maran the Rishon Letziyon rejected the notion that according to the *Zohar* one needs to perform *netillat yadayim* in the morning only if one's hands become contaminated by sleep during the night. Even the *Zohar* agrees that the criterion required by the Rashba or Rabbenu Asher is sufficient to warrant reciting the blessing. As pointed out above in the footnote to halakha 60, however, this might not be the true interpretation of the *Halikhot Olam*.

In summary

If someone lies down to sleep for at least half an hour, he must perform *netillat yadayim* when he wakes up and recite the blessing. It is best in such a case to first dirty one's hands, since it is possible that according to Rabbenu Asher he would otherwise not be obligated to perform *netillat yadayim*, especially if he slept in his clothes.

If someone sleeps in a sitting position, then even if he remains asleep for several hours he must not recite the blessing of *al netillat yadayim*, but he must perform *netillat yadayim*. If he dirties his hands first, however, he may definitely recite the blessing.

If someone sleeps for less than half an hour, whether lying down or sitting up, he must not recite the blessing of *al netillat yadayim*, but he must perform *netillat yadayim* after dawn. The *Halakha Berura* insisted that even in this case, if he first dirties his hands he may recite the blessing. As explained here, that ruling might not be correct.

211. The issue here is not the hands' cleanliness and if they are fit for prayers; they are clean since he washed them