ואם הטיל מים ב' פעמים, ובפעם הראשונה לא בירך, ובפעם השניה מסתפק אם בירך, אף שיש בזה ספק ספיקא לחייבו בברכה אחת (שמא לא בירך כלל, ואת"ל בירך, שמא חייב ברכה על הפעם הראשונה כדעת מרן), אף על פי כן לא יברך כלל, דספק ברכות להקל (כמבואר בילקו"י ברכות ח"א עמ' נט). **אלא יברך בלא שם ומלכות ויהרהר שם ומלכות בלבו.** [מקבציאל ויצא הכ"א, כה"ח ס"ק ה]

טו. מי ששכח לברך ברכת "אשר יצר", אם נזכר בתוך שעה וחמישית (שבעים ושתים דקות) **אחר שעשה צרכיו, רשאי לברך "אשר יצר" בשם ומלכות. אבל לאחר מכן, יברך בלי שם ומלכות, וספק ברכות להקל.** [הליכו"ע ח"א עמ' מ, יחו"ד ח"ד סו"ס ה]

remember whether or not he recited the blessing, there is a *safek sefeka* to obligate him to recite it. Perhaps he did not recite it at all, and even if he did, perhaps the halakha requires him to recite the blessing twice, which is the ruling of Maran. Even so, in practice he must not recite the blessing at all, based on the principle of *safek berakhot lehakel*. This rule is explained in the *Yalkut Yosef Berakhot English Edition* (Vol. I, page 59). The proper procedure in such a case is to recite the blessing without pronouncing God's Name, only thinking of the Name instead.

Day 26

Up to 72 minutes

15) If someone relieved himself and forgot to recite the blessing of *asher yatzar*, he may still recite it up to seventy-two minutes later. If he postponed the blessing longer than this, he may only recite it without pronouncing God's Name, based on the principle of *safek berakhot lehakel*.[319]

The gloss concludes that if someone really wants to, he should urinate shortly after having marital relations and then he can recite the blessing of *asher yatzar*, thanking God for having a functional urinary system and a functional reproductive system.

319. The *Ben Ish Hai* (*parashat Vayetze* halakha 12) ruled that if half an hour has passed since the time that someone has relieved himself, he may no longer recite the blessing of *asher yatzar* with God's Name. Instead, he should recite it without pronouncing the Name, but he should think of the Name as if he was pronouncing it.

Harav Menahem Lonzano, cited by Harav HIDA (*Birke Yosef* 7:3), ruled that the time limit for reciting the blessing of *asher yatzar* is somewhat less than an hour. The *Yad Aharon*, however, ruled that there is no time limit. He argued that this is not like *Birkat Hamazon*, which is limited to the time that one's food has not yet been digested. Harav HIDA ruled in favor of the opinion of Harav Menahem Lonzano, explained that Mahar"i Hakohen likewise ruled that after some time has passed one may no longer recite the blessing.

The *Hesed La'alafim* (6:3) ruled that the time limit is half an hour, like the *Ben Ish Hai*. This is likewise the ruling of the *Birkat Yosef* Yedid (*ma'arekhet alef* #9), the *Pene Yitzhak* Abul'afiya (*ma'arekhet alef* #8) and the *Kaf Hahayim* Sofer (7:7). The *Zikhronot Eliyahu* Mani (page 53) wrote in the name of Harav Abdullah Somekh that since Harav HIDA wrote that the limit is "some time," it means at least eighteen minutes. In halakhic matters, there is no time span shorter than this, he explained.

Why did the *Ben Ish Hai* and the other *Poskim* choose the time of half an hour? Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. I, #9:6) suggested that it is because the halakha recommends reciting this blessing close (*samukh*) to the time a person relieves himself. The term "close" in halakhic matters is always half an hour. (See the comment of Rashbam to *Pesahim* 107b, the comment of Rabbenu Nissim to *Shabbat* 9b and the *Shulhan Arukh* 232:2.)

The responsa *Be'er Moshe* (Vol. II, #1:2) ruled that a person may recite the blessing up to two hours after relieving himself, or until he has the urge to relieve himself once more. He cited the opinion of the *Kaf Hahayim*, but he dismissed it as incorrect. Harav Shelomo Zalman Auerbach (*Halikhot Shelomo Tefilla* page 250) likewise followed the *Shulhan Arukh's* ruling that there is no real time limit for this blessing, but he concluded that if so much time has passed that the person no longer remembers the experience of relieving himself, he may no longer recite the blessing.

טז. אם לא בירך ברכת "אשר יצר", ונזכר בשעה שהוצרך שוב לנקביו, אפילו שעבר רק זמן קצר משעה שעשה צרכיו בפעם הקודמת, לא יברך "אשר יצר", אלא רק לאחר שיחזור ויעשה צרכיו ויטול ידיו. [ראה כה"ח ס"ק ו וס"ק ח, הליכו"ע ח"א עמ' מא, יחו"ד ח"ד סו"ס ה]

Needed to urinate again

16) If someone relieved himself and forgot to recite the blessing of *asher yatzar* until he felt the urge to relieve himself again, he may not recite the blessing. This is the halakha even if less than seventy-two minutes have passed since he relieved himself. After he relieves himself the second time and washes his hands, he must then recite the blessing.[320]

Maran the Rishon Letziyon (responsa *Yehave Da'at* Vol. IV, #5; *Halikhot Olam* Vol. I, page 40) cited the Ritba (commentary on *Pesahim* 46a) explaining the Talmud's ruling, "For *netillat yadayim* one has up to seventy-two minutes," as referring to someone who relieved himself and has no water with which to cleanse his hands afterward. As long as he finds water and cleanses his hands within seventy-two minutes, he must still recite the blessing of *asher yatzar*, since this is not a blessing for a mitzvah or a blessing to enable one to eat or drink (which must be recited at the time one performs the mitzvah or eats). This is a blessing to thank and praise God for one's good health, and therefore the time limit is extended.

Maran the Rishon Letziyon demonstrated that this is a clear ruling that one may recite the blessing up to seventy-two minutes after relieving oneself. If the *Aharonim* had known of the Ritba's ruling, they would all have concurred with it. Therefore, in practice we may rely on this ruling and recite the blessing up to seventy-two minutes later.

In responsa *Yabia Omer* (Vol. IX, #108:17), Maran the Rishon Letziyon refuted the ruling of the *Or Letziyon*, who allowed only half an hour for reciting this blessing. He explained that the principle of *safek berakhot lehakel* does not apply in this case since we may assume that all the *Aharonim* would have concurred with the Ritba's ruling if they had known of it. This is a retraction from the ruling found in responsa *Yabia Omer* (Vol. I, #9:6), which followed the ruling of the *Ben Ish Hai*.

Arguments of the detractors

Some scholars challenged the ruling of Maran the Rishon Letziyon, arguing that the Ritba did not issue any ruling about how long one can postpone reciting the blessing of *asher yatzar*. They claimed that the Ritba spoke only about how long one must wait to find water to wash hands after relieving oneself. Harav David Yosef refuted this argument soundly in the *Halakha Berura* (*Otzerot Yosef* #19).

The responsa *Divre Shalom* (Vol. V, page 466) argued on the ruling, based on the Mahara"h *Or Zaru'a* (#101) who stated: "I asked my mentor, Rabbenu Meir, *z"l*, how long after relieving oneself can one still recite the blessing [of *asher yatzar*]. I explained my question, pointing out that this cannot be compared to *Birkat Hamazon*, for that has a limit based on when the meal becomes digested, which means until the person again becomes hungry. That is because one feels the benefit of the food he has eaten until he is hungry once more. These criteria, however, do not apply to the blessing of *asher yatzar* at all. I did not merit hearing my holy rabbi's ruling on this matter."

The *Divre Shalom* used this as proof that the *Rishonim* did not necessarily agree with the ruling of the Ritba. Maran the Rishon Letziyon, however, was fully aware of this passage. He even mentioned it in his responsa. Obviously, he felt that if the Ritba issued a definite ruling while Mahara"h *Or Zaru'a* admitted that he was unsure what to rule, the definite ruling is the one we must follow.

The *Birkat Hashem* (Vol. IV, page 485) ruled, based on this same passage of the Ritba, that one may recite the blessing of *asher yatzar* even after seventy-two minutes have passed, as long as one does not feel the urge to relieve oneself again. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #98:1) refuted this, explaining that this is not the correct understanding of the Ritba's words. The *Yalkut Yosef* (page 491) likewise refuted that ruling.

If someone feels the urge to relieve himself again in less than seventy-two minutes

If someone postponed reciting the blessing of *asher yatzar*, but by the time he decided to recite it he already felt the urge to relieve himself again, he may no longer recite the blessing even though less than seventy-two minutes have passed. This is the ruling of *She'elat Ya'abetz* (#15). He explained that this can be compared to someone who ate a meal but then became hungry again before he recited *Birkat Hamazon*. In such a case, he can no longer recite *Birkat Hamazon* even though less than seventy-two minutes have passed since his last meal. This is likewise the ruling of the *Shalme Tzibbur* (page 45a) in the name of Harav Eliezer Nahum (handwritten responsum), the *Mishna Berura* (7:1) and the *Kaf Hahayim* Sofer (7:8).

320. The *Mor Uktzi'a* (7) explained that once a person feels the urge to relieve himself again, this automatically

יז. מי ששכח לברך אשר יצר קודם התפלה, יש אומרים שאינו יכול לברך אחר התפלה, שכבר יצא ידי חובת הברכה בברכת רפאנו. והעיקר לדינא שלא יצא ידי חובה, ויברך "אשר יצר" אחר התפלה, ובלבד שהוא בתוך שיעור שבעים ושתים דקות משעה צרכיו. [ראה יחו"ד ח"ד עמ' לא]

יח. מי שנסתפק אם בירך "אשר יצר" או לא, לא יברך בשם ומלכות, דספק ברכות להקל. וכמו הדין בכל הברכות שמסתפק אם בירכם, שאינו חוזר מספק (ראה ילקו"י ברכות ח"א עמ' נב). ויהרהר שם ומלכות בלבו. [באו"ח ויצא הי"ב].

Day 27

Refa'enu* instead of *asher yatzar

17) Some *Poskim* ruled that if someone relieved himself and then recited the *Amida* before reciting the blessing of *asher yatzar*, he may no longer recite the blessing. He has already fulfilled that obligation by reciting the blessing of *refa'enu*, which is part of the *Amida*. In practice, however, this ruling is not followed. He must still recite the blessing of *asher yatzar* as long as seventy-two minutes have not passed since he relieved himself. The blessing of *refa'enu* cannot substitute for the blessing of *asher yatzar*.[321]

When in doubt

18) If someone cannot remember whether or not he recited the blessing of *asher yatzar* after relieving himself, he may not recite it. As is the rule with all blessings, whenever a person is unsure whether or not he already recited it, he must assume that he already did, based on the principle of *safek berakhot lehakel*.[322] He should recite the blessing without pronouncing God's Name, while he thinks of the Name without mouthing it.

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signals the end of the time that it was possible to recite the blessing of *asher yatzar* for the previous time he relieved himself. The *Peri Megadim* (*Eshel Avraham*), however, ruled that in this case the person should recite the blessing before relieving himself the second time and then, after relieving himself the second time, repeat the blessing.

The *Yalkut Yosef* challenged the ruling of the *Peri Megadim*, since it is forbidden to recite any blessing while one feels the urge to relieve oneself. The *Shemen Hama'or* (cited by the *Kaf Hahayim* Sofer 7:6) reconciled this, explaining that the *Peri Megadim* is referring to a case where the person does not feel such a strong urge to relieve himself. As long as he believes he is physically capable of postponing it for seventy-two minutes, he may recite a blessing before relieving himself the second time.

The *Kaf Hahayim* (ibid.) inferred from the *Magen Avraham* and Harav Eliezer Nahum that in practice there is no need to recite the blessing two times. Instead, he should relieve himself the second time and then recite the blessing to thank God for both instances of relieving himself. The *Kaf Hahayim* ruled that this is the preferred procedure, based on the principle of *safek berakhot lehakel*. This is likewise the ruling of Maran the Rishon Letziyon (responsa *Yehave Da'at* Vol. IV, #5; *Halikhot Olam* Vol. I, page 41), the *Yalkut Yosef* (page 486) and the *Halakha Berura* (page 128).

321. Maran the Rishon Letziyon (responsa *Yehave Da'at* Vol. IV, page 31) suggested that if someone recited the *Amida* before reciting the blessing of *asher yatzar*, he may no longer recite that blessing. His obligation was already fulfilled through his reciting of the blessing of *refa'enu*, which is part of the *Amida*.

Maran the Rishon Letziyon then refuted this, explaining that the blessing of *refa'enu* has nothing to do with the content and purpose of *asher yatzar*. The former is a prayer pleading for the recovery of the members of our nation who are ill, whereas the latter is a blessing of praise and thanksgiving for creating man in such a wondrous way that enables him to survive and sustain himself. Furthermore, the former blessing deals with God's treatment of our entire nation whereas the latter one deals with the health of an individual person.

322. It is self-evident that the halakhic principle of *safek berakhot lehakel* applies to the blessing of *asher yatzar* just as it applies to all other blessings. The *Ben Ish Hai*