

## Gezel Sheina: Can You Really Steal Someone's Sleep?

### **Rabbi Chaim Weg**

**Case:** Reuven, a *ba'al tokea* (one who blows the shofar), spent a lot of time practicing blowing the shofar in his home before Rosh Hashanah. However, Shimon, his upstairs neighbor, was upset, since Reuven often practiced late at night and made it hard for him to fall asleep. Shimon claims that Reuven is a *gazlan* (thief) for *gezel sheinah*, "stealing" his sleep.

**Question:** Is *gezel sheina* really considered actual theft, especially when it occurs during the performance of a *mitzvah*?

**Answer:** The term "*gezel sheinah*" is based on a *pasuk* in *Mishlei* (4:16). Although the term is not found in the earlier *poskim*, the Chafetz Chaim is quoted (in the *sefer* "*Chafetz Chaim: Chayav Umifalav*") as saying that preventing a person from sleeping is considered to be *gezel sheinah*, "stealing" their sleep.

Most recent *poskim* explain that according to the Chafetz Chaim, one does not actually violate the prohibition of stealing, since one does not actually take a tangible item from another person. Rather, he meant that one may violate the *issur* of *ona'as devarim*, speaking words that are hurtful to others. This can include other non-monetary suffering, such as preventing someone from sleeping, which may affect his proper functioning during the day.

In addition, one may be guilty of not fulfilling the *mitzvah* of *ve'ahavta l're'acha kamocha*, loving a person as one loves oneself. Since most people would not want their sleep to be disturbed, one should not disturb the sleep of others either (see Pischei Choshen, *Geneiva*, ch.15, footnote 3)

Based on these considerations, Reuven should not blow the shofar late at night if it prevents Shimon from sleeping. The fact that Reuven is practicing to perform a *mitzvah* does not matter, as that is not a valid consideration for causing pain to another Jew.