

Halachos of Daily Living: Weekly Questions

I was up all night. Do I recite *birchas ha'Torah* in the morning?

This is a common question on Shavuot. The Mishnah Berurah (47:28) writes that there is a difference of opinion among *poskim* as to whether one who was awake all night recites *birchas ha'Torah* in the morning. The Biur Ha'Gra (47:12) and Pri Chadash (47:12) write that one does not recite a *bracha*; however, the Magen Avrohom (47:12) and Elya Rabba (47:9) write that a *bracha* is recited every day even if one did not sleep. To avoid this uncertainty, one should listen to the *bracha* of one who slept and answer Amen. If this is not possible, he should have in mind to fulfill the *mitzvah* of *birchas ha'Torah* when reciting the *bracha* of 'Ahavah Rabba', and study Torah immediately after *Shmoneh Esrei*. If one had taken a nap during the previous day, Rabbi Akiva Eiger (OC 47:12) writes that one may recite *birchas ha'Torah* in the morning even though they were up all night. But what if one had not napped the previous day and will not be *davening* now, but wants to continue studying Torah? The Aruch Hashulchan (47:23) as well as other *poskim* write that the common custom is like the Magen Avrohom, that a *bracha* should be recited, though the Mishnah Berurah maintains that a *bracha* should not be recited because of the conflicting opinions.

Should *birchas ha'Torah* be said standing?

The Beis Yosef (O.C. siman 8) quotes a Yerushalmi which states that all *brachos* should be recited standing. This Yerushalmi is understood by the *poskim* to be referring to *birchos ha'mitzvos* and would seemingly include *birchas ha'Torah* as well. However, The Pnei Yehoshua (Megillah 21a) writes that this rule of the Yerushalmi refers only to *mitzvos* that are performed standing, such as *shofar*, *tzitzis* or *hallel*. However, regarding *mitzvos* that can be performed while sitting, such as reading the *Megillah*, the *bracha* can be recited sitting as well. The Gemara (Megillah 21a) relates that until the generation of Rabban Gamliel, Torah was studied standing, but after Rabban Gamliel passed away, weakness descended upon the world and from then on Torah was studied sitting. Therefore, Rav Ovadya Yosef, *zt"l* (Yechaveh Daas 5:4) writes that one may recite *birchas ha'Torah* sitting. He writes that this is also the opinion of the Rama MiFano (102:7) and others.

Is it forbidden to teach Torah to one who has not said *birchas ha'Torah*?

In regards to *birchos ha'nehenin* (*brachos* recited on food), there is a concept that one is not permitted to give someone food if the recipient will not recite a *bracha*. Offering food to one who will not recite a *bracha* is a violation of "*lifnei iver lo sitain michshol*" (enabling one to stumble) (See Shulchan Aruch OC 169:2). However, Rav Shlomo Zalman Auerbach, *zt"l* (Minchas Shlomo 1:91) writes that this does not apply to teaching Torah to one who did not recite *birchas ha'Torah*. *Birchas ha'Torah* is a *birchas ha'mitzvah*. Though *birchos ha'mitzvos* are obligatory, we do not find that Chazal forbade the performance of a *mitzvah* if a *bracha* is not recited. He notes that not studying Torah (*bitul Torah*) is a more serious offense than

omitting the *bracha*. If possible, one should instruct those who have come to learn Torah how to recite the *bracha*, but if this is not practical, one should teach them Torah in any event.

Is *birchas ha'Torah* considered two *brachos* or three *brachos*?

There is a difference of opinion among *Rishonim* as to whether the *brachos* recited for *birchas ha'Torah* are counted as two *brachos* or three. The Rambam (Hilchos Tefila 7:11) writes that *birchas ha'Torah* consists of three *brachos*. According to the Rambam, "*v'haarev na*" begins a second, separate *bracha*. However, Tosfos (Brachos 46a s.v. Kol) writes that "*v'haarev na*" is a continuation of the first *bracha*. The practical difference between these two opinions is whether a listener should answer Amen prior to "*v'haarev na*." Because this is a matter of dispute, Shulchan Aruch (OC 47:6) recommends being strict. Therefore, if someone is reciting *birchas ha'Torah* on your behalf, you should not answer Amen after "*La'asok b'divrei Torah*." According to Tosfos, this is the middle of the *bracha*, and answering Amen at this point would constitute a *hefsek* (interruption). One must wait to answer Amen, until the very end of the *bracha*, "*ha'melamed Torah l'amo Yisroel*." It is interesting to note that regarding the daily requirement to recite one hundred *brachos*, *poskim* are lenient to count *birchas ha'Torah* as three *brachos*.