

Halachot of Shavuot Morning

1. Many have the custom to stay up Shavuot night learning Torah.¹ There are several halachot that those who follow this practice should bear in mind:
2. According to Ashkenazim, after daybreak² one should use the bathroom, wash his hands for Netilat Yadayim with a Bracha, and then say Asher Yatzar.³ One should hear Elokai Neshama, HaMaavir Sheinah, and Birkot HaTorah from someone who slept. The rest of the Birkot HaShachar may be recited as usual.⁴ If one normally wears a Talit for Shacharit, he should have intent that the bracha on his Talit should cover his Talit Katan as well. If, however, one doesn't wear a Talit, he should hear the bracha from someone else.⁵ If one slept a Sheinat Kevah the day before staying up all night, he may recite the Birkot HaTorah in the morning for himself.⁶
3. According to Sephardim, after using the bathroom one should say Asher Yatzer and not the bracha of Al Netilat Yadayim.³ One may say Elokai Nishama, HaMaavir Sheinah, and Birkot HaTorah for himself.⁴ The bracha recited over the Talit covers the Talit Katan as well.⁵

1. Magen Avraham (Intro to 494) quotes the Zohar that says that the early Chasidim would learn all of Shavuot night. Mishna Brurah 494:1 and Kaf HaChaim 494:6 also record this minhag.

2. Regarding Netilat Yadayim and Birkot HaTorah, it's clear that if they are to be made, they shouldn't be said until Alot HaShachar. Nitai Gavriel 18:1 and 20:1 writes so explicitly. Regarding Birkot HaShachar, Kaf HaChaim 46:49 writes that one can say all of them at Chatzot, however, Piskei Teshuvot 46:14 rules that one should wait until Alot HaShachar. Regarding Tallit, S"A 18:3 rules that one may not make the Bracha until MeSheYakir.

3. The Rosh (Brachot 9:23) writes that the reason a person must wash his hands in the morning is that one's hands almost certainly touched an unclean area. The Rashba (responsa 1:191), on the other hand, writes that the reason is that a person is created anew each morning. The Bet Yosef 4:13 writes that according to the Rosh, one who stays up all night doesn't have to wash because one can ensure that his hands stay clean, while according to the Rashba, one is created anew whether he slept or not. Because of this dispute, S"A and Rama 4:13 rule that one should wash without a bracha. Magen Avraham 494, Taz 4:9, Beir HaGra 4:13, Birkei Yosef 46:12, and Mishna Brurah 494:1 agree. See, the Bach 4, Aruch HaShulchan 4:12, and Maaseh Rav (#2) who argue that one who didn't sleep can say the Bracha.

Hagahot Rabbi Akiva Eiger 4:12 writes that if one went to the bathroom, one can make the bracha. Olat Tamid 4:8, Eliyah Rabba 4:8, and Pri Megadim (E"A 494) agree. Artzot HaChaim 4:1 and Chaye Adam 7:6 seem to agree as well. Thus, Mishna Brurah 4:30 rules one should use the bathroom, thus dirtying his hands, wash his hands with a Bracha, and then say Asher Yatzar.

Some achronim (Nitai Gavriel 18:1, Weekly Halacha Discussion, vol 2, p. 363, Halachically Speaking vol 7, issue 6, p. 9) quote the Mishna Brurah as saying that one should use the bathroom and leave out dirtying one's hands. I heard from Rabbi Mordechai Willig and Rabbi Hershel Schachter that although the Mishna Brurah certainly meant to be precise, one can make the Bracha even if one merely touches an unclean area of the body.

Derech HaChaim 1:17 adds that even by touching an unclean area, one can make the Bracha. Beir Halacha D"H Veyitlem agrees. Rav Shlomo Zalman Auerbach (Halichot Shlomo 2:24), however, argues that it is insufficient to touch an unclean area.

Maamar Mordechai 4:8 disagrees with Rabbi Akiva Eiger because even according to the Rashba there is a doubt as to whether one is considered created anew if he didn't sleep (see Magen

Avraham 4:12). Kaf HaChaim 4:49 and Yalkut Yosef 4:9 agree.

4. The Tur and S"A 47:12 write that if one is learning at night one doesn't have to make new Birkot HaTorah as long as one didn't fall asleep. Beir HaGra 47:12 explains that sleep is a hefsek and if one didn't sleep, one doesn't need new Brachot. Chaye Adam 9:9, Mishna Brurah 47:28, and Rabbi Hershel Schachter (cited in Bet Yitzchak vol 30, p. 592) agree but advise hearing them from someone who slept. Magen Avraham (47:12, 494) argues that essentially Birkot HaTorah are like Birkot HaShachar, which are said every day. He adds that it's preferable to hear them from someone who certainly is obligated. Eliyah Rabba 47:9, Birkei Yosef 46:12, and Aruch HaShulchan 47:23 concur. Kaf HaChaim 47:26 and Chazon Ovadyah (p. 312) write that the Sephardic minhag is to make Birkot HaTorah oneself.

Rama 46:8 writes that one may say all the Birkot HaShachar whether one experienced the event described in the particular Bracha or not. Although the S"A argues, Kaf HaChaim 46:49 writes that the Sephardic minhag is to follow the Rama.

Eliyah Rabba 46:12 quotes the Ateret Zekenim 46:3 who says that if one didn't sleep, one shouldn't say Elokai Nishama or HaMaavir Sheinah. Thus, Mishna Brurah 46:24 writes that one should hear these Brachot from someone who slept. However, Pri Megadim (E"A 46:2) wonders why Elokai Nishama and HaMaavir Sheinah should be different than the other Birkot HaShachar. Aruch HaShulchan 46:13 rules that one may say these brachot even if he didn't sleep. Also, Birkei Yosef 46:12 and Yalkut Yosef 489:13 write that the Sephardic minhag is to say these Brachot even if one didn't sleep.

5. Although S"A 8:16 rules if one slept in one's Tzitzit one should make a Bracha upon arising, the Bach 8:15, Taz 8:15, Eliyah Rabba 8:18, and Kaf HaChaim 8:61 argue that one shouldn't make a Bracha. Magen Avraham 8:21 writes that one should have in mind that his bracha on the Talit should exempt his Talit Katan. Mishna Brurah 8:42 agrees. Rabbi Hershel Schachter (cited in Bet Yitzchak vol 30, p. 591) rules that if one doesn't have a Talit, he should hear the Bracha from someone else and feel his Tzitzit at the time of the Bracha.

6. Hagahot Rabbi Akiva Eiger 47:12 writes that if one slept during the day prior to staying up all night, according to all opinions one has to recite Birkot HaTorah in the morning. Mishna Brurah 47:28 specifies that the sleep should be a Sheinat Kevah. Chatam Sofer (cited by Netah Sorek YD 63), Hilchot Chag BeChag (p. 131), and Rabbi Mordechai Willig ("Inyanei Chag Hashavuos", min 48) agree. See Beirur Halacha (vol 7, p. 20) who quotes the Chazon Ish as questioning Rabbi Akiva Eiger.