

# VEBDE REBDE

## Doubt Whether you Recited Birkat HaTorah

**Question:** I usually recite Birkat HaTorah on the way to shul. This morning, I was mentally preoccupied, and I have reason to suspect I did not say it. I thought of this when I came home and asked my wife, who had not yet recited it, to do so with me answering Amen. Did that cover my obligation?

**Answer:** The gemara (B'rachot 21a) cites the pasuk of "When I call out Hashem's Name, give greatness to our G-d" (KI SHEIM HASHEM EKRA... D'varim 32:3) as the source for Birkat HaTorah. Given the apparent Torah-level of Birkat HaTorah, most poskim (see Shaagat Aryeh 46) posit that although usually in the face of a doubt about whether one is obligated in a b'racha, we refrain from it, we require a Birkat HaTorah when there is doubt (see Mishna Berura 47:1). Some prominent opinions prefer not to make Birkat HaTorah when one suspects he might have already recited it, due to the opinions that Birkat HaTorah is Rabbinic (see *ibid.*). However, if there is no other option, one should recite only the second beracha ("... asher bachar banu") (*ibid.*; *Ishei Yisrael* 6:10).

There are usually other options. The gemara (B'rachot 11b) says that if one realized he did not recite Birkat

HaTorah and it is now after davening, he is exempt because he fulfilled the mitzva by reciting Ahava Rabba (before Kri'at Sh'ma), which expresses our appreciation of Torah study. It does not mention a need for special kavana to thereby fulfill Birkat HaTorah. Thus, since you are after davening, you would seem to have no problem. However, the Yerushalmi (cited by Tosafot, *ad loc.*) says that this works only if one learned "directly after" Ahava Rabba. Some say that Kri'at Sh'ma, which are words of Torah, counts for this. Others require other words of Torah, although these can be recited right after davening (see *Shulchan Aruch, Orach Chayim* 47:7-8). Unless you learned something not "davening-related" before you left, your status depends on this unresolved machloket.

It is agreed that women are expected to recite Birkat HaTorah (see *Shulchan Aruch ibid.* 14). This is surprising considering that women are exempt from Torah study (Rambam, *Talmud Torah* 1:13) and Sephardi women do not recite a b'racha for a mitzva in which they are not obligated (*Shulchan Aruch, OC* 589:6). The Beit Yosef (*ad loc.*) and Magen Avraham (47:14) explain that women need to make Birkat HaTorah because there they are required to learn how to perform the many halachot that apply to them and because there are Torah passages in their davening. The GR"A (*ad loc.*) posits that women are not

obligated in Birkat HaTorah, as they lack the normal obligation to learn Torah, but that they are still permitted and expected to recite it anyway. The Bi'ur Halacha (to 47:14) says that one consequence of the various explanations is whether women can enable men to fulfill their obligation. According to the Beit Yosef/Magen Avraham they can because both are obligated in Birkat HaTorah. According to the GR"A, a woman's voluntary b'racha cannot count for an obligated man (see Rosh Hashana 29a). So whether your wife's b'racha helped you once again depends on a machloket.

There is another reason for leniency in your case. Your routine, which you took part in, includes Birkat HaTorah. Regarding someone who is not sure if he said the right rain-related matters in Shemoneh Esrei, we assume he followed his norm, which depends on how long has passed since the change to the present version (Shulchan Aruch, OC 114:8). This would indicate that you did recite Birkat HaTorah. Furthermore, the Mishna Berura (114:38) rules that if a person's doubt whether he made a mistake arose only after davening is over, he can assume he did it right. You starting doubting yourself only after davening was over, well after the omission would have taken place. Therefore, you may assume you did things right (even if not with the greatest kavana) unless you have a conviction to the contrary.

Putting all the indications together, you are not required to look for someone else to recite Birkat HaTorah for you again and certainly should not do it yourself.

*Rav Daniel Mann, Eretz Hemdah Institute*