



The Golden Years – Part VI: Mitzva Performance in a Compromised Physical State

As people age, it is common for their physical abilities to diminish or deteriorate. The loss of mobility and strength gives rise to many Halachic questions. In the following two essays, we will review a number of these issues and possible solutions. This week's essay will focus upon questions that arise in the context of the daily routine of an observant Jew.

1. Reciting Birchos haShachar While Seated

An elderly, sick, or weak person may recite *Birchos haShachar* while seated, even according to *Minhag Ashkenaz* which is to recite them while standing.

Sources: The obligation to stand while reciting Brachos is subject to a broad dispute which is beyond the scope of this essay (see *Shu"t Yechaveh Da'as* 5:4 who records the various opinions). Regarding *Birchos haShachar*, there is no essential obligation to stand, as evident from the *Avudraham (Hilchos Birchos haShachar)* and *Pri Megadim* (Introduction to *Hilchos Brachos* 18). However, it is *Minhag Ashkenaz* to stand as stated by the *Ya'avetz* (in his *Siddur – Dinei Birchos haShachar*) and other Poskim.

The custom of Sefardim is not to stand during *Birchos haShachar* due to the ruling of R' Chaim Falagi (*Kaf haChaim* 9:7) who maintained that it is easier to have proper *Kavana* while sitting. In fact, the *Sefardim* are even accustomed not to stand during *Birchos haTorah* which are *Birchos haMitzvos*, even though the majority of Poskim hold that it is an obligation. They rely on those who hold that one need not stand for a Bracha on a Mitzva when the Mitzva itself is not performed while standing. Since Torah study is performed while seated, the Bracha may similarly be recited while seated. Moreover, the Poskim (*Orach Chaim* 585) are unanimous that reciting *Birchos haTorah* while seated is valid *Bedieved*.

Regardless, an elderly or sick person who finds it difficult to stand may certainly recite *Birchos haShachar* or *Birchos haTorah* while seated.

2. Tefila in a Prone Position or While Reclining

An elderly person who finds it difficult to get out of bed may Daven if he turns slightly onto his side or elevates his head and shoulders with pillows.



Sources: The *Shulchan Aruch* (*Orach Chaim* 63:1) rules that a person should not recite the Shema while lying supine or prone (the same would apply to *Tefila*). However, he may lie on his side. If he is very obese or sick and cannot turn onto his side, he should turn slightly onto his side. The *Magen Avraham* explains that turning only slightly onto one's side is only permissible for an obese or sick person, whereas turning completely onto one's side is *Mutar l'Chatchila*.

Not all of the Poskim agree to the Magen Avraham's distinction. Nevertheless, it is clear that an elderly person – who has the status of a *Choleh* – may be lenient. The *Mishna Berura* (*ibid.* 4) maintains that an elderly person who is able to turn completely onto his side is obligated to do so. He also adds (*Biur Halacha ibid.*) that although the Poskim cite this ruling with regard to a person who is already lying down, he may also be lenient and lie down and turn slightly onto his side *l'Chatchila*, as the Halacha is in accordance with the *Pri Megadim*.

Finally, Rav Shlomo Zalman *zt"l* (cited by the *Nishmas Avraham*, *O.C.* 63) ruled that a person may elevate his head and shoulders with pillows or raise the head of an adjustable bed which lifts up instead of turning onto his side.

3. Laying *Tefillin* on an Elderly Person

If an elderly person cannot lay *Tefillin* himself, another person may place them on him. The elderly person recites the Bracha as the *Tefillin* are tightened, as he would do if he tied them himself. If a man is not available to assist him, his wife can do so but the Poskim disagree as to whether he may recite a Bracha or not.

Sources: The *Maharam Shik* (*O.C.* 15) explains that the Mitzva of *Tefillin* is not to perform *the act of laying* them on the body but to *have the Tefillin on the body*. Therefore, there is nothing lacking in the Mitzva if somebody else lays the *Tefillin* on a person's body. Though the *Maharam Shik's* reasoning may only apply to somebody who is able to lay the *Tefillin* himself (a "*Bar Keshira*") and not to a *Zaken* who is unable to do so, the *Zaken* may nevertheless appoint a *Shaliach* and it will be considered as if he had laid the *Tefillin* himself – "*Shlucho Shel Adam k'Moso*". (Even though appointing a *Shaliach* is usually ineffective regarding Mitzvos that need to be performed by one's own body – "*Mitzvos she'b'Gufo*" – in this case the Mitzva is performed on his own body, as the *Tefillin* are laid on him. It would only be ineffective to ask a *Shaliach* to lay *Tefillin* on the *Shaliach's* own body and expect the Mitzva to be attributed to the other person.)

May a woman lay *Tefillin* on a *Zaken*? The *Maharam Shik* cites the Gemara in *Avoda Zara* (39a) which records a story in which a woman indeed laid *Tefillin* on a



man. However, *Tosfos (ibid.)* maintain that she merely assisted him to lay the Tefillin himself.

The *Maharam Shik's* main reason to permit a woman to do so is that a woman is, essentially, able to perform the Mitzva of Tefillin, just as she can perform other Mitzvos from which she is exempt – “*Eina Metzava v'Orah*”. Though the *Shulchan Aruch (O.C. 38:3)* rules that a woman should not lay Tefillin, that is only because “*she is not adept at keeping a Guf Naki*” - she is not essentially disconnected from the Mitzva. Therefore, if she lays Tefillin on a man he may certainly recite a Bracha.

4. Reciting *Devarim She'b'Kedusha* in the Presence of Urine or Excrement¹

A *Zaken* who relieves himself in a disposable vessel, should remove it before reciting any *Devarim She'biKedusha*. If he has a urinary catheter, he may recite *Devarim she'b'Kedusha* as long as the receptacle is sealed, clean, and no odor emanates from it. If possible, he should cover it.

Sources: It is forbidden to recite *Devarim she'b'Kedusha* in “*Mavo'os haMetunafim*” (filthy alleys) – in other words, in the presence of urine or excrement. For many elderly people this is a significant challenge. A lack of mobility can mean they need to relieve themselves in disposable containers or by means of a urinary catheter.

Containers that are meant to hold excrement should be removed from the room before reciting *Devarim She'biKedusha*. Regarding the catheter (which obviously cannot be removed) there are two issues. The first is the prohibition of reciting *Devarim She'biKedusha* when facing a stream of urine. The Poskim rule that a person with a catheter may be lenient because he can assume that no urine is flowing at the moment that he is reciting *Devarim She'biKedusha*.

The second issue is the prohibition of reciting *Devarim She'biKedusha* in the presence of urine that has been collected in the receptacle, and in front of the receptacle itself which is considered an “*Avit*”.

The urine itself presents less of an issue since the container is sealed. Regarding the “*Avit*”, the *Shulchan Aruch (O.C. 87:1)* rules that if the receptacle is made of glass or glazed earthenware and is thoroughly washed, one may Daven in its presence. The *Shemiras Shabbos keHilchasa (22, footnote 113)* maintains that the same is true of plastic containers. If the container is not washed thoroughly and have either urine or excrement on them a person may not Daven in their presence (*Mishna*

¹ We have discussed this Halacha in greater detail in an essay for *Parshas Ha'azinu (5779)*, available on our website - <https://www.medicalhalacha.org/>.



Berura 76:2) unless they are distanced as far his eyes can see or are at least four *Amos* behind him (meaning, that he is positioned four *Amos* away from where he can no longer detect the odor – *Shulchan Aruch, O.C. 79:1*).²

Nevertheless, the Poskim conclude that since the catheter is closed and sealed, it does not render the room a *Mavoy Metunaf*. Therefore, it is permitted to recite *Kerias Shema* even when it is filled with urine (as long as it doesn't emit a smell). Rav Moshe Feinstein *zt"l* (*Igros Moshe* *ibid.*) rules that one is obligated to cover the catheter, but the *Tzitz Eliezer* (8:1) argues that doing so is merely *Midas Chasidus*. Rav Shlomo Zalman Auerbach *zt"l* maintained that there is no reason to do so at all as they do not even have the status of *Avit* since they are only used once and do not emit a smell (related by Professor Avraham S. Avraham).

5. Birchos haNehenin and Tube Feedings

A Zaken who is fed via nasogastric tube is exempt from both *Bracha Rishona* and *Bracha Acharona*. Some say that a *Yirei Shamayim* should attempt to enlist another person to exempt him or thank Hashem by reciting a chapter of *Tehilim* or the like.

Sources: Elderly patients who are unable to meet their nutritional requirements through normal eating often require formula feeding via nasogastric tube (a tube through the nasal cavity into the stomach or small bowel) or gastrostomy, duodenostomy, or jejunostomy tube (a tube directly into the gastrointestinal tract through the abdominal wall). Does ingesting food in this manner require a *Bracha Rishona* or *Acharona*?³

The premise of the question is that *Birchos haNehenin* were instituted for the benefit that a person has from food or drink. However, the question is, to which *Hana'ah* do we refer – the enjoyment felt when the food passes through the palate or throat ("*Hana'as haCheich*" or "*Hana'as Grono*"), or the satisfaction of the intestines ("*Hana'as Meiav*")?

² The *Mishna Berura* (87:9) rules that if a bed is ten *Tefachim* high and its sides reach the ground on all four sides, it is considered to be a *Mechitza* and it is permitted for a person to recite *Kerias Shema* on one side of it even if there is excrement or urine on the other side (as long as he cannot see or smell it). However, the standard hospital bed does not fulfill these requirements.

³ Assuming that there is an obligation to recite *Birchos haNehenin*, there is a fascinating question of when a patient should make a *Bracha* if he is fed continuously throughout the day (due to an inability to tolerate bolus feedings). A similar question is asked regarding the *Bracha* of *Asher Yatzar* for patients who are connected to a catheter through which their urine passes constantly.



With regard to *Issurei Hana'ah* (items from which the Torah forbade any benefit), this question is subject to a dispute between *R' Yochanan* and *Resh Lakish* (*Chulin* 103b) and the Halacha is that even *Hana'as Grono* is forbidden (see *Rambam, Hilchos Ma'achalos Asuros* 14:3). Therefore, if a person eats half a *Kezayis* of a prohibited item and then vomits it, then eats the same half-*Kezayis* that he vomited, he is liable as he experienced *Hana'as Grono* of a full *Kezayis* even though his stomach did not experience the satiation of a *Kezayis* and it cannot be considered *Hana'as Meiav*.

Regarding *Birchos haNehenin*, this question is matter of dispute among the Poskim. According to the *Panim Meiros* (27), since the *Chachamim* based the parameters of *Birchos haNehenin* on the Posuk of "*v'Achalta v'Savata*" – "*and you shall eat and be satisfied*" there must be *Hana'as Meiav* for there to be an obligation to recite a Bracha.

The *Beis Yosef* (O.C. 210) cites the *Sefer Ohel Moed* (*Sha'ar haBrachos* 1:4) who differs. He rules that if a woman tastes food she is cooking and then spits it out, she needn't recite a Bracha. But if she tastes as much as a *Revi'is* then she must recite a Bracha even if she doesn't swallow any of it, because when she tastes this volume of food, **she would certainly have experienced *Hana'as haCheich***. The *Beis Yosef*, who holds like the *Panim Meiros*, disagrees. The *Eglei Tal* (*Melech Tochen* 62) adds that the reasoning of the *Panim Meiros* most certainly applies to *Birchas haMazon* where the Torah stated explicitly "*v'Achalta v'Savata*".

The *Chelkas Yaakov* (3:68) rules like the *Sefer Ohel Moed*. The *Minchas Chinuch* (313) and *Maharam Shik* (O.C. 13) hold that both *Hana'as Grono* and *Hana'as Meiav* are required in order to recite a Bracha.

At first glance, tube feeding would seem to be a classic example of *Hana'as Meiav* without *Hana'as Grono*. However, there is a significant difference in that it does not comprise a normal act of eating as the food bypasses the mouth entirely. Perhaps, given that this form of satiation is completely divorced from eating in a regular sense, it wouldn't require a Bracha at all.⁴ This is the contention of the *Chelkas Yaakov* (3:68), who argues that it is no different than intravenous fluids for which one certainly does not recite a Bracha. (In truth, one could argue that there is more reason to make a Bracha in a case where food is introduced to the stomach and does produce a feeling of satisfaction, than in a case of intravenous fluids which do not.) This was also the conclusion of Rav Elyashiv *zt"l* (cited in *Vezos haBracha* p113).

⁴In fact, according to the *Achiezer* (3:61), eating in this fashion is not a violation of Yom Kippur.



The *Minchas Yitzchak* (3:18) cites the *Levushei Mordechai* who disagreed. He ruled that a *Yrei Shamayim* who is being fed by tube should try to find somebody who is eating at that time to be *Motzi* him with his own *Birchos haNehenin*. Though we are no longer accustomed to being *Motzi* others with *Bracha Rishona*, in this case, which is clearly *Sha'as haDechak*, it is permitted.

6. Receiving an Aliya while in a Wheelchair

The basic Halacha is that it is forbidden to sit while receiving an Aliya to the Torah. Even a *Zaken* or sick person who cannot stand should lean on something, but not sit. Some however permit them to sit, particularly on a *Yarzheit* or the like. Everybody agrees that it is permitted if there is a small Minyan and there is nobody else available who can be called to the Torah.

Sources: The *Mishna* in *Megila* (21a) rules that one may read *Megilas Esther* while sitting down. The *Gemara* notes that this does not apply to *Krias haTorah b'Tzibur*, which must always be performed while standing. This Halacha is derived from the Posuk in *Devarim* (5:28) which relates that when Hashem taught Moshe the Torah, He said to him, “*and you shall stand here with Me*” implying that Hashem “stood” – *Kaveyachol* – while He taught Moshe. If Hashem “stood” while teaching Torah, certainly the Jewish people stood at *Matan Torah* in awe of Him. (*Mishna Berura* 141:1 citing the *Levush*).

The *Mishna Berura* also mentions another reason to stand – “*Just as the Torah was given with awe, so we must treat it with awe*”. The source for this is a *Yerushalmi* cited by the *Beis Yosef* (*ibid.*) which relates that R' Shmuel bar Yitzchak once witnessed somebody leaning on a pillar while reading from the Torah. He informed him that it was forbidden to do so because “*Just as the Torah was given with awe, so we must treat it with awe*”⁵.

The *Shulchan Aruch* (*ibid.*) quotes the *Mordechai*:

*One must read [from the Torah] while standing. Even to lean on a wall or a stand is forbidden unless a person is heavysset. (Mordechai, Halachos Ketanos)*⁶

The *Mishna Berura* (*ibid.* 4) maintains that the same would apply to a sick or elderly person who finds it difficult to stand without support. Nevertheless, even those who do have this dispensation must not lean so heavily that they would fall if

⁵ Our version of the *Yerushalmi* does not include this anecdote

⁶ This leniency is cited by the *Beis Yosef* *ibid.*



the object would be removed, unless they cannot stand at all without support. (Below we will cite a dispute among the Poskim in this regard).

The *Mishna Berura* and other Poskim only mention that the sick or the elderly may lean during *Krias haTorah*, but not that it would be permitted for them to actually sit. This precludes those who are confined to a wheelchair from being called to the Torah or serving as *Ba'al Korei*.

However, there are Poskim who argue that since leaning heavily is considered like sitting, and a heavyset person, *Zaken* and sick person are permitted to lean heavily, the same would apply to sitting.

This is the conclusion of *haGaon* Rav Asher Weiss *Shlit"a* (*Shu"t Minchas Asher* 3:9). Even though the Poskim do not mention this explicitly, since we are only dealing with an *Issur d'Rabbanan* and one would certainly fulfill the *Mitzva* of *Krias haTorah Bedieved*, this would be considered a *Sha'as haDechak* (an extenuating circumstance) and we could be lenient on Simchas Torah or for a *Yahrzeit* (or on other rare occasions, if necessary)⁷.

Additionally, the *Talmud Yerushalmi* implies that an element of the requirement to stand when reading from the Torah or receiving an *Aliyah* is *Kavod haTzibur* – the honor of the congregation. Rav Moshe Shternbuch *Shlit"a* mentions this possibility in the name of Rav Meshulam Dovid Soloveitchik *Zatza"l* (*Moadim uZmanim* 2:182). He therefore rules that if it is more respectable for a particular disabled person to serve as the *Ba'al Korei* for the *Tzibur*, he may do so even while seated. As an example, if the only person who is able to read accurately without mistakes is unable to stand, he may serve as *Ba'al Korei* instead of somebody who would make many mistakes and need many corrections.

In conclusion, the Poskim agree that where there are not enough people who are able to stand when receiving an *Aliyah*⁸ (as may occur at *Minyanim* in hospitals or nursing homes), one may be lenient and allow them to sit. One should not skip *Krias haTorah* in these circumstances, especially as one fulfills the *Mitzva Bedieved* even while sitting.

⁷ This was also the conclusion of Rav Saraya Dublitsky *zt"l*.

⁸ E.g. 3 people on a Monday or a Thursday or 8 (7 + *Maftir*) on Shabbos