



**Can You “Steal” Someone's Sleep by
Waking Them Up?
(Gezel Sheina)**

[#86]

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Today we will be discussing *gezel sheinah*, which is directly translated as “stealing sleep”. The question is, when we use the word “stealing”, we must make sure that it is used in the proper context. The question arises, (and has been sent in to us as well), is it actually considered “stealing” to wake somebody up?

[We are talking about cases where you are not supposed to wake that person up. In a case for example, where he (person sleeping) is going to miss the recital of an obligatory prayer such as Kri'as Shema in the proper time, then according to most Poskim it would be permitted to wake him up]

This question is addressed by the *Poskim*. We will be using the *sefer of Halachos of Other People's Money*, by Rabbi Yisroel Pinchos Bodner, as well as the online site, dinonline.org.

In the *sefer of Halachos of Other People's Money*, he brings that although there may be mussar sefarim which admonish those who commit *gezel sheina*, stealing someone's sleep, the *Poskim* say that the term is not the most accurate description, because the act of disturbing one's sleep is really classified as an act of damage, not an act of stealing.

The reason why, they say, is because when you disturb someone's sleep, you are not actually stealing from them. To be *chayav* (guilty) for stealing, you must take something away from somebody or withhold something owed them. Over here, when you wake somebody up, you're not actually taking something away from them or denying them something that they're owed. This case would therefore not fall into the category of stealing, of actual *ganeivah*.

The *Poskim* do say that either way, it is *asur* (forbidden) to wake somebody up against their will. Even though it is not going to be called *geneiva* (“stealing”), it is still classified as damage. The correct term would be *hezek sheinah* or “sleep damage”, as the Meiri in *Masechta Bava Basra (20b)* refers to it. They bring from the Shevet HaLevi, Rav Wosner, that it is certainly *asur* for a person to wake somebody up against their will.

Rav Zalman Nechemia Goldberg, brings an interesting question. What about the actual *tza'ar*, pain, which can be caused by waking someone up, such as a resulting headache? He says, it would seem that you would need to pay the person for such. It would be calculated as if the king decreed to wake somebody up and the amount the person would be willing to pay to not be woken up, would be the amount needed to be paid.

He says over here, that such an obligation of payment would only be in a case where you actually physically woke the person up, or you did it with your hands, that you caused the damage through you, yourself. However, in a case where a person just woke the other one up by voice or sound, he says, in that case, you might not be obligated to pay, because it might be considered a *grama*, an indirect result of one's action. ***

***Please note that these halachos are intended to inform and educate the reader/listener in general. For any specific questions which arise, it is recommended to speak over the exact case with a competent halachic authority in order to assess the halacha accordingly as any small change will greatly affect the final halacha. You can send your questions in to us as well by replying via WhatsApp to our halacha Q & A number on the group, sending an email to Ask@MoneyHalacha.com, or via our contact page at MoneyHalacha.com/contact-us

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