

HALOCHOSCOPE

This week's question:

If one puts on *tefilin* too early and without a *brocha*, may he interrupt between the *shel yad* and the *shel rosh*, responding to a greeting or to say *amen*?

The issues:

A) Timing of the *mitzvah* of *tefilin* and its *brochos*

B) *Shel yad* and *shel rosh*, the two parts of *tefilin*

C) The two *brochos* on *tefilin*

A) Timing of *tefilin* and its *brochos*

Daytime *mitzvos* are usually performed after sunrise, and in emergency, after dawn. *Krias shema* is recited when we go to sleep and when we get up – evening and morning. Since no mention is made of the term for day, the question arises, when must it be recited? When there is enough light in the morning people get up. How much is enough light? Various times are given by the Talmud, based on *misheyakir*, the measure of light needed to recognize something. They include: recognizing the difference between *techailess*, a bluish color, and white [both colors are used for *tzitzis*]; between *techailess* and green; between a dog and a wolf, or between a domesticated and a wild donkey; and sufficient light to recognize an acquaintance like an occasional guest, at a distance of four cubits. Though debated, the consensus is to follow the latter view. The optimum time for *shema* is right before sunrise. In pressing circumstances it may be recited from dawn. [See Brachos 8b-9b, Yerushalmi, Yuma 37b, Poskim. Tur, BY Sh Ar OC 58:1, commentaries.]

The Talmud discusses the time for *talis* and *tefilin* more briefly. There is discussion whether they apply by night. Most *poskim* follow the view that Scripturally, *tefilin* may be worn by night. However, if they are worn while sleeping, they might come to be treated disrespectfully. Therefore, Rabbinically, one may not wear them during the night. The Talmud, while discussing the time for *krias shema*, says that the time in the morning that *tefilin* should be worn is also *misheyakir*. Some say that this is connected to the time that people get up. They would not go to sleep at this time. Others say that *tefilin* are meant to be 'seen' by the other nations and spell awe in them.

There is some question as to whether this is the ideal, optimum, or earliest time for *tefilin*. The context of the Talmudic passage, depending on the interpretation of the different *poskim*, indicates that it is the optimum or the earliest time, like sunrise for *krias shema*. If it is the optimum time, the earliest time might be at dawn. Even if *misheyakir* is the earliest time, there is room to allow donning them at dawn in emergency. If *tefilin* do not apply by night, the earliest time Scripturally is dawn. Many *poskim* maintain that this view would allow one to continue wearing them at night, but not to don them if he did not already have them on. By dawn there should be no problem donning them. The Tal-

mud also permits (even Rabbinically) wearing them at night for their own protection.

If Scripturally one may wear them by night, the only reason to refrain is to avoid disrespect while sleeping with them. Some people stay in bed until *misheyakir*, but many people get up at dawn. Thus, in pressing circumstances, one may wear them at dawn. In one view, one may even recite the *brocha* (possibly even before dawn). Since he got up to *daven*, he will not fall asleep. This should only be relied on if there will be no chance to recite the *brocha* after *misheyakir*. [See Brachos 9b, Menachos 36a-b, Poskim. Tur, Sh. Ar. O.C. 30:1, commentaries. Shaagas Aryeh 43-46. Igros Moshe O.C. I:10, IV:6.]

Based on our discussions, one should rather wait until *misheyakir* before reciting the *brochos* on *tefilin*. The Talmud debates whether the *brocha* should be recited before or during the performance of a *mitzvah*. For most *mitzvos* we follow the view that it should be recited beforehand. According to some *poskim*, one may recite it during the performance, and in some cases this is to be considered beautifying the *mitzvah*. The prevailing practice is to recite a *brocha* on a *mitzvah* before performing it. In the case of *tefilin*, the *mitzvah* is to bind them on the arm and head. The *brocha* should be recited before doing this. If it was not recited then, one may recite it while wearing them. He should move them while reciting the *brocha*, and immediately put them back into place.

To avoid distraction and disorientation, it is common to put on the *talis* and *tefilin* before beginning *davening*, even if it is really early. Assuming that this was too early for the *brocha*, one would wish to recite the *brocha* at the earliest opportunity later. For *tefilin*, he would adjust them, thus making the *brocha* somewhat before the *mitzvah*. [See Yerushalmi Brachos 9:3, Psachim 7b etc., Menachos 34b-35a, Poskim. Tur Sh Ar OC 8:10 16 25:8, commentaries. Igros Moshe OC IV:7.]

The Talmud discusses one setting out on a trip too early for *tefilin*. He is afraid to carry them in his hands, and therefore, puts them on early. He later adjusts and says the *brocha*. The *poskim* say that he may intend to fulfill the *mitzvah* at the time he puts them on, in keeping with those *poskim*. In light of this, one may speculate on the status of the act of donning the *tefilin* early in our case. It could be seen as a convenient way to avoid the interruption, but not an act of *mitzvah* performance. However, considering the opinion(s) that allow *tefilin* to be worn by night or immediately after dawn, it could be seen as a valid performance of the *mitzvah*. The *brocha* is delayed to avoid the separate controversy about an invalid *brocha*. The reason they are adjusted is to avoid the controversy about *ovair laasiyasan*, reciting it before performing the *mitzvah*. However, while actually donning them, he is indeed involved in the real *mitzvah* performance. [See Menachos 36a, Poskim. Tur Sh Ar OC 30:3, commentaries.]

B) Shel yad and shel rosh

In commanding the *mitzvah* of *tefilin*, the Torah first says: “You shall tie them as a sign on your hands”, and then: “they shall be *totafos* [on your head parallel to the point] between your eyes.” The Talmud teaches that these two separate parts of the *mitzvah* are not dependent on each other. Therefore, if one has only one of them, he puts it on anyway. Many *mitzvah*-counters count them as two separate *mitzvos* of the six hundred and thirteen. Some consider them one *mitzvah* with two independent parts to it. This is similar to *krias shema*, which comprises two obligations, in the morning and at night. [Some

count *krias shema* as two *mitzvos*!] *Tefilin* may also be compared to the two parts of *tzitzis*, the *techailess* and the white strands. These are two parts of the same *mitzvah*.

A nuance is used in the terminology of the *shel rosh mitzvah*: *Vehayu, they* shall be ... between your eyes. A plural grammatical form is used. This is taken as a requirement that at the time the *shel rosh* is worn, the *shel yad* must also be worn. Therefore, one does not don the *shel rosh* until the *shel yad* has already been donned. (One does not remove the *shel yad* until the *shel rosh* is removed first.) In addition, the Torah repeatedly commands the *mitzvah* of the *shel yad* before the *shel rosh*. [See Vaeschanan 6:8. Brochos 14b Menachos 36a-b 38a 44a, Poskim. Rambam, Tefilin 4:26. Bahag, Asei 2. Sefer Hamitzvos (Ram.) shorash 9, asef 12-13, commentaries. Chinuch 420 421 422. Smag, asef 21-22, Yereim 16. Smak 153. Tur BY Sh Ar OC 25:4-6 30:2 37:2, commentaries.]

C) The two brochos on tefilin

The Rabbinical *bircos hamitzvos* are patterned on the quasi-Scriptural *mitzvah* of *bircas hatorah*, recited before Torah study. The point of these *brochos* is threefold. Just as we thank Hashem for food, an expression of His goodness, *mitzvos* are the ultimate kindness. The Rabbis instituted a *brocha* before consuming food to 'ask Hashem permission' to eat. The same principle applies to *mitzvos*. A *brocha* acknowledges *malchus shamayim*, the kingship of Hashem. When a *brocha* is recited before performing a *mitzvah*, one may not interrupt between them. This invalidates the *brocha*, and it must be repeated. If it is an extended activity, interruptions after beginning the performance do not invalidate the *brocha*. However, one should remain focused until the end of the performance.

Brochos include the Name of Hashem. This may not be uttered in vain. If in doubt about the need for a *brocha*, it is better to err on the side of leniency. The *brocha* is a Rabbinical obligation. Uttering the Name of Hashem in vain is a Scriptural violation. Some consider an unnecessary *brocha* one of the negative *mitzvos* specifying this type of utterance. Others include it in the positive *mitzvah* to revere Hashem. Yet others maintain that since it is said in praise of Hashem, albeit uncalled for, it is no more than Rabbinical.

There is an opinion that when performing many *mitzvos* one recites a general *brocha*. We follow the view that each *mitzvah* has its own specific *brocha*. When mentioning the *mitzvah*, some *brochos* use the word '*al*' before mentioning it, while others use a prefix '*le.*' referring to the activity. Various interpretations are offered on this, based largely on the nature of the relevant *mitzvos*. [See Brochos 21a Tosefta 6:14 20 Yerushalmi 6:1 Pesachim 7a-b, Poskim. Halochoscope II:13 45.]

The Talmud says that one who conversed between the two *tefilin* must recite a new *brocha*, implying that otherwise, there is only one *brocha*. This is questioned, since there are two *brochos* for *tefilin*, one of each type, one for each *mitzvah*. The Talmud answers that if one did not interrupt, one *brocha* is sufficient. If one interrupted, he recites both. Then the Talmud cites a dictum that one who interrupted has committed the type of grave sin that should disqualify him from going into battle (due to danger of punishment).

Some maintain that the first *brocha* serves both *mitzvos*, or *mitzvah*-parts. If one interrupts between the first and second *tefila*, he breaks the connection between the *brocha* and the *shel rosh*. The second *brocha*, designed to be said in the 'middle' of the *mitzvah* is then said. According to this view, there is nothing really wrong with interrupting as long

as one then recites the other *brocha*. Some go further, maintaining that one gains a *mitzvah* by interrupting. He now recites a second *brocha*. Some say that if one only wears one *tefila*, he recites the one *brocha* on that *tefila*. Others rule that both *brochos* are always said. According to this view, if one interrupts, he recites both *brochos* on the *shel rosh*. Ashkenazi custom follows the latter view.

Some consider the second *brocha* praise, rather than *bircas hamitzvah*. Some say it is recited on the completion of the *mitzvah*. They consider the main issue the continuity of the *mitzvos*. The word *vehayu* in the plural form means that the two *mitzvos* must be done together. One who interrupted must adjust the *shel yad* and repeat its *brocha* as well. In this view, interruption is forbidden even when no *brocha* is recited. Applications of this include: donning *tefilin* on *Chol Hamoed* without a *brocha*; donning *Rabeinu Tam tefilin* without a *brocha*; donning *tefilin* after removing them temporarily. [See Brochos 60b (Yerushalmi 2 9) Rosh Hashanah (Rif 11a, Maor) Sotah 44b Menachos 36a, Poskim. Tur sh Ar OC 25:5 9 etc., commentaries. Artzos Hachaim, esp. Er. Yehuda 2.]

Does our case qualify for this same ruling? If it is really too early, and the person only puts them on now for convenience, he will not be interrupting the continuity of the *mitzvah*. If it is really the right time, but the *brocha* is delayed to avoid controversy, or if donning for convenience is also considered a *mitzvah* by default, he may not interrupt.

One dons *Rabeinu Tam tefilin* only to satisfy his view. According to *Rabeinu Tam* they are the fulfillment of the *mitzvah*. In our case, if one only wore the *tefilin* early, and then removed them, he might not have fulfilled the *mitzvah*. He has full intent to keep them on him until the main time for the *mitzvah* according to all views. He is not donning them early try to satisfy a view that one must wear them this early. Therefore, it appears that his donning them does not qualify as a fulfillment of *vehayu*.

From the ruling about the traveler, it appears that the entire issue depends on the mindset of the person donning them. If he intends to fulfill the *mitzvah* now, he may not interrupt. Most people think that they are doing the *mitzvah* at the time they don them.

In conclusion, since most people have intent to fulfill the *mitzvah*, but are waiting for the 'best timing' of the *brocha*, interrupting is forbidden.

On the Parsha ... *Ve'ata, and now, behold the cries of Bnai Yisroel come to Me .. And now, you shall go [3:9-10] And now, go .. [4:12] Now you shall see .. [6:1]* Why does Hashem use the word *ata*, now, continuously in this *parsha*, when speaking to Moshe? Perhaps the lesson is that while the results of these actions are not going to be seen immediately, now is the time to perform them. These are activities that will take effect later, but you need to do them at this time specifically. Furthermore, the idea is that now is the time to begin the action, without delay. Since 'now' the cries of Yisroel come, now is the time to initiate the salvation. Maybe, if it seems too early to fulfill a *mitzvah* in optimum fashion, one may still perform the initiating actions and have intent to begin the *mitzvah*. This could be considered *zrizus* as well.

Sponsored by Dr. Leon and Mrs. Miriam Kohane in memory of his father Michoel ben

R. Dovid Hakohain z"l, whose *yahrzeit* is on the 13th of Teves. ☞

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