

HALOCHOSCOPE

This week's question:

Someone begins *shacharis* begins too early to recite the *brochos* on *talis* and *tefilin*. The earliest time will arrive before *shema*, but after the beginning of *birchos shema*. Assuming that one may not recite them then, but may recite them immediately following *shemone esrai*, should one recite them at the earliest opportunity? Does this mean that one may interrupt during *chazaras hashatz*, the leader's repetition of the *shemone esrai*, before *chazaras hashatz* begins (if there is time), right before *tachanun*, or only after *tachanun*?

The issues:

- A) Timing of *brochos* on *talis* and *tefilin* (and *shema*)
 - B) *Ovair la'asiyan*, reciting a *brocha* before performing the act of a *mitzvah*
 - C) Interruptions for a *tzorech tefilah*, necessity of the services
 - D) *Tachanun*, and its continuity from *shemone esrai*
- A) *Timing of brochos of talis, tefilin and shema*

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 reason to allow donning them at dawn in pressing situations. If *tefilin* do not apply by night Scripturally, 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 Talmud also permits (even Rabbinically) wearing them at night for their own protection. In addition, if, Scripturally, one may wear them by night, the only reason the Rabbis forbid wearing them by night is to avoid disrespect while sleeping with them. Many people stay in bed until *misheyakir*, but many people get up at dawn. Accordingly, in pressing circumstances, one may wear them at dawn. There is a view that one may even recite the *brocha* (possibly even before dawn). Since he got up to *daven*, he will not fall asleep. However, 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.]

The Talmud does not discuss the earliest time for *tzitzis*. The Talmud debates whether one is obligated in this *mitzvah* by night. Scripture makes no mention of night or day, but says the *tzitzis* should be seen. In one view, this means one should see the *tzitzis* and be reminded of certain other *mitzvos*. The other view says it means the *mitzvah* applies by day. We follow the latter view. There is a debate on whether this limits the time of the *mitzvah* or the type of garments worn at these times, with many interpretations of the views. Practically, the *mitzvah* begins in the morning.

The *poskim* debate the timing, which would also be the earliest time to recite the *brocha*. Some say that it would be like any *mitzvah* applying by day – at sunrise, and in emergencies at dawn. However, since the word day is not used, this *mitzvah* begins at dawn. Others maintain that since seeing is the issue, *misheyakir* should be the earliest time. There is some support for this view in allusions by the Talmud and the Yerushalmi. This would seem to be the *misheyakir* between *techailess* and white, but many *poskim* cite the *misheyakir* of recognizing an acquaintance. In practice, some *poskim* permit reciting the *brocha* at dawn, while others maintain that one should not recite it before *misheyakir*. [See Menachos 43a-b, Poskim. Tur, Sh. Ar. O.C. 18:3, commentaries.]

B) *Ovair la'asiyasan*

Based on our discussions, one should rather wait until *misheyakir* before reciting the *brochos* on *talis* and *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. Some *mitzvos* require reciting it during or even immediately after the performance. 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 regard to *talis*, the *mitzvah* continues all the time one is wearing the item of clothing with the *tzitzis*. Therefore, one could recite the *brocha* later and still consider it before the performance. In the case of *tefilin*, the *mitzvah* is to bind them on the arm and head. The *brocha* should be recited before doing this. However, if it was not recited then, one may recite it while wearing them and then adjust them after the *brocha*. [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.]

C) Interruptions *letzorech hatefilah*

An interruption breaks continuity. It can serve to distract as well. Sometimes, it also spoils the effectiveness of the *tefilah*. It can also render the entire *tefilah* invalid. Therefore, one should not interrupt, and in certain cases, if one did so, he would be required to repeat the entire section. However, some interruptions are permitted. Generally, these are words or activities that must be done to validate the *tefilah*, such as *kaddish* and *kedusha*. As such, they are actually incorporated into the *tefilah* themselves, rather than a *hefsek*. Some other interruptions are really separate entities, but affect the *tefilah* in different ways. They do not count as breaks, but leave the *tefilah* intact.

Talis and *tefilin* should be worn while reciting *krias shema*. If one did not have *talis* and *tefilin* available when he began *davening*, but got them later, he should put them on. However, the issue of *hefsek*, interruption, arises with regard to both putting them on and reciting the *brochos*. One may not interrupt in the middle of a *brocha*. *Pesukei dezimra* is between *baruch she'amar* and *yishtabach*. This is considered the middle of a *brocha*. One should only interrupt for a *mitzvah*. Since *talis* and *tefilin* are really only needed for *shema*, one should wait. Between *kaddish* and *borchu*, between the end of the *shema brochos* and *shemone esrai*, and during *shemone esrai*, one may not interrupt at all.

To avoid distraction and disorientation, it is common to put on the *talis* and *tefilin* before beginning *davening*. 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*. In our case, *misheyakir* arrives at about the time that one is ready to recite *shema*. During *shema* and its *brochos*, one should only interrupt for a big *mitzvah*, and then only between sections. The consensus is to interrupt to don *tefilin* between sections, before *shema*. If one only got them during *shema*, he may interrupt then. He may recite the *brochos*. For *talis*, one may interrupt between sections to put it on, but the *brocha* is said after *shemone esrai*. *Tefilin* is mentioned in *shema*. Reciting *shema* without wearing them is like bearing false testimony about oneself. Furthermore, it is a personal obligation, as opposed to *tzitzis*, that applies only when one wears a four-cornered garment.

If one is already wearing the *tefilin* while reciting *shema*, these reasons do not apply. The only reason to interrupt would be for the *brocha*. Since this is really a matter of debate, one should not interrupt at this point. Unlike the *mitzvah* to put them on, the *brocha* is not a necessary element of one's *shema*. It will be recited later, and the adjustment may be made at any time. [See Brochos 13a etc., Poskim Tur Sh Ar OC 53: 3 54:3 66:2, commentaries. Halochoscope IX:31.]

D) Tachanun's continuity

Assuming that one waits until after *shemone esrai*, he could recite the *brocha* at various points: immediately following his silent *shemone esrai*, before or after the *chazan* begins repeating; after the repetition, before *tachanun*; and after *tachanun*. During *chazaras hashatz* one should be following the reader's words. However, one may interrupt with things that are considered needs for his *tefilah*. One may also interrupt for certain *brochos*, such as for thunder, because they cannot be delayed. In our case, the reason this *brocha* is so pressing is to be able to make it somewhat *ovair la'asiyasan*. However, it has already been delayed to after the initial performance of the *mitzvah*. One is still wear-

ing them, a continuation of the *mitzvah*. The wearer will still be able to make the *brocha* before he finishes the *mitzvah*. Perhaps it is not so urgent to interrupt with the *brocha*.

Apart from interrupting *chazaras hashatz*, a second issue arises. *Tachanun* is really a continuation of one's silent *shemone esrai*. As some poskim put it, *tefilah* has a standing part, a prostrate part and a sitting part. [Nowadays, we may not prostrate ourselves, since this is only done by those who are assured that they will be answered. Instead, we cover our faces, or lay our heads down on our arms.] Some say it is not a part of the main *shemone esrai*, but is an extension of the *tachanunim* at the end. *Tachanunim* is from the Hebrew for an undeserved gift. We present our pleas in the ways that Moshe Rabeinu did.

In terms of the severity of interruption, the poskim debate whether *tachanun*, or the moment between it and *shemone esrai*, has the severity of *shemone esrai*, or of *shema*. The consensus seems to be that while one may not interrupt at all during *tachanun* itself, one may interrupt right before it for *amein* and *kedusha*. This seems obvious from the fact that one actually responds to the entire *chazaras hashatz* between his silent *shemone esrai* and *tachanun*. However, those responses are an integral part of *tefilah*. The same may not be said of responding to another person's *brocha* or to *kedusha* of a different *minyan*. The Talmud relates a story to reinforce the potency of *tachanun* when it is connected to *shemone esrai*, and its impotency when one disconnects it from *shemone esrai*.

In our case, this *brocha* is not that urgent, as we have discussed. Is it important to recite it sooner, to fulfill *ovair la'asiyasan*? It seems that the idea of adjusting the *tefilin* after the *brocha* to make it *ovair la'asiyasan* is more for the *brocha* than for the *mitzvah* itself. By doing this, the *brocha* can be considered somewhat recited before the performance. However, the performance really already began. At any time later that one chooses to recite the *brocha*, he can make the same adjustment. [See Va'eschanan 3:23 Yirmiyah 38:26 42:2 9 Daniel 9:3. Brochos 13a 16b-17a 21a-b 29b Taanis 14b Megillah 22b Bava Metzia 59b, Poskim. Tur Sh Ar 119:1 122 131:1 (Kaf Hach 2), commentaries.]

In conclusion, in light of the importance of connecting *tachanun* to *shemone esrai*, it would appear that it is preferable to delay the *brochos* until after *tachanun*.

On the Parsha ... Moshe spoke before Hashem saying, behold Bnei Yisroel did not listen to me [6:12] Moshe said before Hashem ... [6:30]. Moshe did not speak or say to Hashem, but before Hashem. [See R SR Hirsch, *Haamek Davar*] Why did he not address Hashem directly with his concern that he would be an inadequate spokesman? Perhaps Moshe felt that this would be considered an interruption in the flow of the command, breaking it up. Possibly, Moshe was expecting that Hashem would send Aharon with him as the spokesman, as He had told him in last week's *parsha*. His was simply a personal thought of surprise "Why is Hashem only asking me? Why didn't Hashem mention Aharon?" This would be an acceptable interruption, since it affected the mission. However, Moshe felt he need not mention it directly until after Hashem had finished. Hashem, however, answered his concern immediately.

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