

Halacha Highlight

Putting on one's *talis* before his *tefillin*

Shulchan Aruch Siman 25 Seif 1
כדי שלא יפגע בהם תחלה

In order that he should not touch them [one's *tefillin*] first

Shulchan Aruch rules that if one were to even touch his *tefillin* bag before his *talis* he would be required to first put on his *tefillin* due to the restriction against passing over a *mitzvah*. Magen Avrohom (סק"י) disagrees and asserts that as long as the *tefillin* are still in the bag the prohibition against passing over a *mitzvah* does not apply. Mishnah Berurah (סק"יג וביה"ל ד"ה שלא יניחו), however, leans towards Shulchan Aruch's ruling, firstly, because many Poskim disagree with Magen Avrohom's position. Secondly, since the prohibition against passing over a *mitzvah* is Biblical one should adopt a more stringent approach.

Kaf HaChaim (סק"יז) writes that according to Arizal one should never deviate from the order of first putting on one's *talis* and then putting on one's *tefillin*. Even if one was actually holding his *tefillin* they must be placed down so that one could put his *talis* on first. Even though there is a prohibition against passing over a *mitzvah*, that restriction applies only when there is no particular order to the two mitzvos that present themselves. When the two mitzvos are designed, even kabbalistically, to be done in a particular order the prohibition against passing over a *mitzvah* does not apply. Teshuvos Torah L'Shema (סי' א') goes so far as to contend that even if one is wearing *tefillin* he should remove them in order to be able to put on his *talis* before putting on his *tefillin*.

Overview

Siman 25 Seif 1:

After putting on one's *talis* one puts on his *tefillin* since we rise in matters of sanctity. One who keeps his *tefillin* bag in his *talis* bag must not place the *tefillin* bag on top of his *talis* in order to avoid touching it first thus forcing him to put on his *tefillin* first so that he should not pass over a *mitzvah*. Nevertheless, if one's *tefillin* are available and his *talis* is not he should put on his *tefillin* and when his *talis* arrives he will put it on then.

- ❖ Even if one's *talis* is only Rabbinically obligated it takes priority ahead of *tefillin*. (M.B. 1)
- ❖ One who is lacking funds should purchase *tefillin* before tzitzis. Certainly when one will spend money to obtain a more beautiful *talis* or *tefillin* priority is given to *tefillin*. (M.B. 2)
- ❖ One is not obligated to collect *tzedaka* to be able to purchase *talis* and *tefillin* but one who could afford them and relies on borrowing from others is committing a grave sin. (M.B. 2)
- ❖ Even if one merely touches his *tefillin* before his *talis* he must put them on first. (M.B. 3)
- ❖ If one is in a room with his *tefillin* and his *talis* is in another room he must first put on his *tefillin* so that he does not pass over the *mitzvah*. (M.B. 4)

Eshel Avrohom leans towards the ruling of Shulchan Aruch but qualifies it somewhat. He holds that as long as one is not actually holding the *tefillin* in his hand, e.g. he touched the *retzuos*, he may combine the position of those who maintain that the principle does not apply to *talis* and *tefillin* together with the position of the kabbalists and one may put on his *talis* before his *tefillin*.