The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ל' סעיף ג'-ה'

Overview

Siman 30 Seif 3:

If one needs to travel earlier than the time for putting on *tefillin* he should put them on and when the correct time arrives he should touch his *tefillin* and recite the *beracha*. In this case there is no concern that he will sleep in his *tefillin* since he woke up early and is travelling.

- Even though Chazal allowed a person to put on *tefillin* during the night when there is no concern that he will sleep, nevertheless, they did not enact that the *beracha* should be recited at that time. However, if a person did recite the *beracha* it is not repeated later. (M.B. 13)

Siman 30 Seif 4:

If one was travelling with his *tefillin* on and the sun set or if he was in the Bais Midrash and Shabbos arrived he should cover his *tefillin* with his hand until he reaches his house and if there is a house close to the entrance of the city that is safe he should leave his *tefillin* there.

- The first part of the *seif* refers to during the week and he is afraid to carry them by hand out of concern that he may drop them, therefore, he is allowed to wear them but they must remain covered. (M.B. 15)
- When referring to the sun setting we refer to the end of twilight which is *tzeis hakochavim* because there is no obligation to take off one's *tefillin* during *bein hashemashos*. (M.B. 15)
- Shulchan Aruch means that *bein hashemashos* arrived and as a result he cannot carry home his *tefillin*. (M.B. 16)

Siman 30 Seif 5:

There is an opinion that maintains that if one davened *maariv* while yet day and has not yet put on *tefillin* he may no longer put them on that day.

- Later authorities agree that one who davened *maariv* while it is yet day should put on his *tefillin* without reciting the *beracha* as long as *tzeis hakochavim* has not yet arrived. If he did not daven *ma'ariv* he should put on his *tefillin* with a *beracha* even though the community davened *ma'ariv*. (M.B. 17)

Halacha Highlight

Putting on *tefillin* after davening *ma'ariv*

Shulchan Aruch Siman 30 Seif 5

שאם התפלל תפלת ערבית מבעוד יום עד שלא הניח תפילין אין לו להניחם אחר כך

If one davened *ma'ariv* while yet day without having put on *tefillin* hק may no longer put on *tefillin*

Terumas HaDeshen (פסקים וכתבים סי' קכ"א) ruled that one who did not put on *tefillin* before *ma'ariv* may not put them on afterwards. By davening *ma'ariv* he essentially declares that it is night and since nighttime is not a time for *tefillin,* to put them on after davening would by oxymoronic. Teshuvas Maharil (סי' קנ"ז) disagrees and explains that since before the emergence of stars – *tzeis hakochavim* – we are not afraid a person will fall asleep, which is the basis for the injunction against wearing *tefillin* at night, it is acceptable to wear *tefillin* even after davening *ma'ariv*. The implication of his words is that not only is it acceptable to put on *tefillin* after davening *ma'ariv* but one may recite the *beracha* at that time as well. Shulchan Aruch ruled in accordance with Terumas HaDeshen that one may not put on *tefillin* after davening *ma'ariv* even though it is yet day. Mishnah Berurah (ס"ק י"ז), however, cites the opinion of other authorities that in this circumstance one should put on his *tefillin* but should not recite the *beracha*.

Many authorities note an inconsistency as far as this halacha is concerned. In another context Shulchan Aruch (יו"ד סי' רס"ב סע' ז') rules that when it comes to the *mitzvah* of *bris milah* on the eighth day, the fact that the father already davened *ma'ariv* does not mean that the day is completed and thus the circumcision would have to wait until the next day. Similarly, regarding the *mitzvah* of *shofar,* Taz rules (או"ח סי' תי"ר סק"ב) that if one davened *ma'ariv* without having blown *shofar* he should blow the *shofar* for the *mitzvah* as long as it is not yet *tzeis hakochavim*. The basic resolution that is given (ע' פסקי תשובות אות ג' הע' 18) is that once Chazal decreed that *tefillin* may not be worn at night that decree applies any time it is considered night even though the rationale doesn't apply (לא פלוג). In contrast, there is no such decree by other *mitzvos,* so as long as *tzeis hakochavim* has not yet arrived the *mitzvah* should still be performed.

Stories to Share

Stealing a Moment

ש"ע סי' ל', ג': "מניחם וכשיגיע זמנן ימשמש בהם ויברך..."

Life in the army is anything but easy. People frequently go on missions at strange hours, and at times they are occupied for many hours at a time. A certain soldier in the Israeli army was a bit disconcerted when he found that during the winter his day would begin before dawn and only end well after sunset. Of course the army gave him time to pray—but only before dawn.

This soldier asked Rav Sternbuch, shlit"a, what he should do about tefillin. The halacha is that min haTorah tefillin may be worn at night , so perhaps he could put them on before dawn and at least discharge his Torah obligation in this manner.

Rav Sternbuch offered a very incisive reply. "Although you can put them on at night—without a blessing—if there is really no choice, I doubt that this is really applicable to someone in your situation. After all, are you in some kind of prison camp which cannot allow you a few precious moments to also fulfill the mitvah of tefillin with a blessing in the time that discharges your rabbinic obligation as well?

"You need to be very stubborn with your commanding officer and insist that before you eat lunch you absolutely must be given time to put on tefillin—even if it is only for one instant."

Many religious soldiers in his unit would only put on tefillin before dawn since this was the time the army had allocated for this. But this soldier followed Rav Sternbuch's psak to the letter, and pestered his superior until he was finally granted permission to put on tefillin for a short time by day. Those who had not asked were refused this privilege since the army claimed it was not essential for them!

שו"ת תשובות והנהגות, ח"א, סי' מ"ט