

Overview

Halacha Highlight

Siman 31 Seif 1:

It is prohibited to wear *tefillin* on Shabbos or Yom Tov since they are an **אות** and if one were to also wear *tefillin* it would be a disgrace to their **אות**.

- ❖ It is also prohibited to wear *tefillin* on the second day of Yom Tov. (M.B. 1)
- ❖ There are those who maintain that *tefillin* are a **כלי** שמלאכתו לאיסור and may only be moved for their use or their place. Others maintain that they may be moved to prevent them from damage and when necessary one may rely upon the lenient position. (M.B. 2)
- ❖ Wearing *tefillin* on Shabbos or Yom Tov with the intent to fulfill the *mitzvah* also violates the prohibition of **בל תוסיף**. (M.B. 5)

Siman 31 Seif 2:

On Chol HaMoed it is prohibited to wear *tefillin* for the same reason, namely that Chol HaMoed is also an **אות**. There are those who maintain that one is obligated to wear *tefillin* on Chol HaMoed and the custom in all these regions is to put on *tefillin* with a *beracha*. The only difference is that the *beracha* is not recited out loud in shul as is normally done.

- ❖ One should remove his *tefillin* on Chol HaMoed before Hallel and the custom nowadays is to remove them after *kedusha* of *shacharis* but one must make sure to pay attention to *chazaras hashatz*. (M.B. 7)
- ❖ When putting on *tefillin* on Chol HaMoed one should have in mind the following stipulation: If he is obligated to wear *tefillin* he is putting them on for the sake of the *mitzvah* but if he is not obligated then he is putting them on without intent for the *mitzvah*. Rabbeinu Tam's *tefillin* are not worn on Chol HaMoed. (M.B. 8)
- ❖ Authorities write that it is not proper in one shul to have some people wear *tefillin* while others do not. One who does not wear *tefillin* during Chol HaMoed who davens in a place in which people wear *tefillin* should wear *tefillin* without reciting the *beracha*. (M.B. 8)

Wearing *tefillin* on Chol HaMoed

Shulchan Aruch Siman 31 Seif 2
בחול המועד גם כן אסור להניח תפלין

It is also prohibited to wear *tefillin* on Chol HaMoed

The Rishonim wrote at length about the topic of wearing *tefillin* on Chol HaMoed. Different proofs are cited for each side and we find the gamut of opinions. Some maintain that wearing *tefillin* during Chol HaMoed is obligatory; some maintain that there is no obligation to wear *tefillin* during Chol HaMoed, and according to others it is prohibited to wear *tefillin* during Chol HaMoed. According to some, the issue relates to whether there is a Biblical prohibition against *melacha* on Chol HaMoed. If *melacha* is Biblically prohibited it is prohibited to wear *tefillin* but if *melacha* is Biblically permitted it would be obligatory to wear *tefillin*. Bais Yosef (סי' ל"א) relates that he heard that Sephardim used to wear *tefillin* on Chol HaMoed in accordance with Rosh's position but when they discovered that R' Shimon bar Yochai wrote that it is prohibited to wear *tefillin* on Chol HaMoed they changed their practice and stopped. After quoting the relevant passage in the Zohar he concluded with the following comment. Since the Gemara does not provide a clear ruling about this matter and R' Shimon bar Yochai is clearly and strongly against it, how could anyone wear *tefillin* on Chol HaMoed.

Teshuvos Bais Yitzchok (יו"ד ח"ב סי' פ"ח) ruled that a person whose ancestors wore *tefillin* on Chol HaMoed is not obligated to wear *tefillin* as well. The same ruling applies for one whose ancestors did not wear *tefillin*. The reason why one is not obligated to observe the customs of his ancestor is that the obligation to observe family customs is limited to practices that do not have clear sources in halacha and are stringencies that some people observe. If, however, there is a disagreement regarding a particular halacha one is not obligated to follow the ruling practiced by his ancestors. Teshuvos Shoel U'Meishiv (מהד"ג ח"א סי' רמ"ז) disagrees and writes that the obligation to observe the practices of one's ancestors applies in this case as well. Teshuvos Shevet HaLevi (ח"ג סי' י"א) wrote that one who moves to Eretz Yisroel may adopt the local custom to not wear *tefillin* on Chol HaMoed. The custom of his ancestors to wear *tefillin* was in force only outside of Eretz Yisroel but did not apply to those descendants who move to Eretz Yisroel.

Stories to Share

Conflicting Customs

שי"ע סי' ל"א, ב': "ויש אומרים שחל המועד חייב בתפילין..."

Someone asked Rav Elyashiv, zt"l, about wearing tefillin on chol hamo'ed in Eretz Yisrael. After all, his family's custom in Chutz La'Aretz had always been to wear tefillin on chol hamo'ed.

Rav Elyashiv, zt"l, replied that it depends on his plans. "If you are staying in Eretz Yisrael permanently, you should not wear tefillin on chol hamo'ed. But if you plan on returning you should put on tefillin in private and follow the custom that you had in chutz la'aretz. If you made a brochah there, do so here. If not, put on here without a brochah."

משנת תפילין, ע"ר ר"י

When a tourist came to ask this same question to Rav Isser Zalman Meltzer, zt"l, he ruled that he should put on tefillin. "You should definitely put on tefillin in private as you did outside the land. Although I have moved here, I still put on tefillin privately on chol hamo'ed without a brochah."

Rav Sternbuch, shlit"l, recounted, "Although the Vilna Gaon holds that one should not put on tefillin as we find in the Zohar and in the Shulchan Aruch on today's amud, and although this is what they do in Brisk, I heard that the Brisker Rav, zt"l, put on tefillin during chol hamo'ed one time in his life. Since his bar mitzvah fell out on chol hamo'ed, his father, Rav Chaim Soleveitchik, zt"l, told him to wear tefillin that day. Presumably the reasoning behind this is so that the Brisker Rav would not accept the yoke of mitzvos without wearing tefillin first.

"I heard the same from various tzaddikim. Although, as a rule, they did not put on tefillin before they were bar mitzvah, if their thirteenth birthday fell out on Shabbos, they would wear tefillin the erev Shabbos before. This was to ensure that they didn't take on the yoke of heaven without first wearing tefillin as close to the time as possible."

תשובות והנהגות, ח"ג, סי' י"ב