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

Halacha Highlight

When does a child begin to wear *tefillin*?

Shulchan Aruch Siman 37 Seif 3
קטן היודע לשמור תפילין בטהרה
A child who knows how to maintain the purity of his *tefillin*

Shulchan Aruch (סע' ג') writes that a father is obligated to purchase for his son *tefillin* once the child knows to maintain a clean body and can avoid passing gas while wearing them. Rema cites opinions who maintain that the child to whom Shulchan Aruch refers is one who is at least thirteen years old but younger than that a child does not don *tefillin* and he adds that this is the custom and one should not deviate from that custom. Mishnah Berurah (ס"ק י"ב) in the name of Magen Avrohom writes that nowadays the custom is for a child to begin to don *tefillin* two or three months before he turns 13. Aruch HaShulchan (סע' ד') mentions that the custom in Poland and Lithuania was that a child would begin to don *tefillin* one month before turning 13. Sephardim follow Shulchan Aruch's ruling that a child who is capable of maintaining a clean body wears *tefillin*. A child who wears *tefillin* before turning 13 recites the *beracha* when he dons them the same way he recites a *beracha* before performing any *mitzvah* while he is yet a minor. Poskim point out (ע' פסקי תשובות אות ה' והלכה ברורה אות ג') that if a child wears *tefillin* the *tzibbur* must be made aware that he is a child so that he is not included in the *minyan*.

There was a custom that an orphan would begin wearing *tefillin* when he turns 12. Although Bach writes that children in general should begin to wear *tefillin* upon turning 12, it is not clear why the custom developed that orphans follow this opinion. Ta'amai Minhagim (ענייני תפילין אות כ"ג) cites authorities who suggest that it serves to generate merit for the deceased. Likutei Maharich opines that it is out of concern that the orphan will not have someone to show him how to put on *tefillin* when he turns 13 so we start him early so that he will learn to wear them properly.

Stories to Share

A Private Custom

ש"ע סי' ל"ז, ב': "ושלא יסיח דעתו מהם ואין כל אדם יכול ליזהר בזה.."

We find on today's amud that although it is a mitzvah to wear tefilin the entire day, the prevalent custom is not to do so because it is difficult to maintain a steady focus on them. But of course there are exceptions to this rule. The Vilna Gaon, for example, wore his tallis and tefillin throughout the entire day.

A certain avreich who indeed seemed to be able to avoid היסח הדעת did not wish to lose out on this precious mitzvah. Nevertheless, he could not wear tefillin all day in public since this would seem prideful. But on Fridays and during bein hazmanim when he was at home, he would wear tefillin all day in the privacy of his home.

But he wondered whether he was permitted to eat a snack while wearing his tefillin. Although the Mishnah Berurah is unsure about this, since nowadays people do not wear tefillin all day, perhaps his habit of periodically wearing tefillin for extended periods was enough to permit him to eat with his tefillin on?

When this question was brought before Rav Chaim Kanievsky, zt"l, he ruled that this avreich was permitted to eat a snack while wearing tefillin.

שאלת רב, ע' קנ"ו

Overview

Siman 37 Seif 1:

The reward for the *mitzvah* of *tefillin* is great and one who does not fulfill the *mitzvah* is categorized with those Jews who sin with their bodies.

- One who does not wear *tefillin* even occasionally and certainly if he does not wear them frequently he falls into the category mentioned in Shulchan Aruch. Pri Megadim cites an opinion that even one who does not wear *tefillin* once falls into this category. (M.B. 2)
- Only those who do not wear *tefillin* because the *mitzvah* is despised in their eyes but if a person does not wear *tefillin* because he does not have a clean body he is not put into this category even though he has sinned since it is not difficult for one to maintain a clean body for *shema* and *shemoneh esrei*. Bach includes in this category one who didn't wear *tefillin* because he is afraid to miss work, may lose money or out of laziness. (M.B. 3)
- One should make sure to purchase *tefillin* from someone who is reliable so that he should not be categorized as one who does not wear *tefillin*. (M.B. 4)
- One should make an effort to obtain beautiful *tefillin*. (M.B. 4)

Siman 37 Seif 2:

The *mitzvah* is for one to wear his *tefillin* the entire day. However, since it requires a clean body, meaning that he may not pass gas or become distracted, and not everyone is capable of being cautious about these matters the custom is that people do not wear them all long. Nevertheless, one must be careful to wear his *tefillin* while reciting *krias shema* and *shemoneh esrei*.

- For the short period of time to say *shema* and *shemoneh esrei* one should be able to control himself. (M.B. 5)
- Even if one did not wear *tefillin* in the morning he should put them on later in the day since the *mitzvah* could be fulfilled any time during the day. (M.B. 5)

Siman 37 Seif 3:

A minor who can maintain a state of *taharah*, meaning that he will not sleep or pass gas nor will he enter a bathroom, **his father is obligated to purchase for him tefillin to educate him in the *mitzvah*.** Some say that the child that is discussed is older than 13 and this is the custom and one should not deviate from this custom.

- Before the age of thirteen it is certain that the child will not be able to maintain a clean body and should not wear tefillin even if he wants to. (M.B. 10)
- Nowadays the custom is that a child begins wearing tefillin two or three months before he turns 13. (M.B. 12)
- Someone who is deaf or mute is obligated to wear *tefillin* but not one who is deaf and mute, but we do not protest if he wants to wear *tefillin*. (M.B. 12)