

# HALOCHOSCOPE

**This week's question:**

In mid-winter many *shuls* start *shacharis* when it is too early to recite the *brochos* on *talis* and *tefilin*. Some *mispaelim* put them on without a *brocha*, and recite the *brocha* later. Some put them on at the *zman* and recite a *brocha*. This can be in the middle of *pesukei dezimra*, when one should avoid interruptions. Some recite the *brochos* after *tachanun*, when interruptions are no longer an issue. Someone is concerned about forgetting to recite the *brochos* later, or does not wish to wear them without a *brocha* first, or does not wish to interrupt during *pesukei dezimra*. The issue of interrupting arises between *Baruch she'amar* and *yishtabach*, which are connected. This person *davens nusach Ashkenaz*, with *baruch she'amar* before *Hodu*. May he switch to *nusach Sefard* with *Hodu* first, and additional *pesukim* before *baruch she'amar*? This way, he will be able to put on *talis* and *tefilin* a few minutes later. May a *shul* make this temporary change?

**The issues:**

- A) Timing of the *mitzvos* of *talis* and *tefilin*
- B) *Nusach hatefila*; changing a *minhag*
- C) Interrupting *pesukei dezimra*
- A) **Timing of *tefilin* and its *brochos*** [excerpted from *Halochoscope* XVI:13]

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.

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 room to allow donning them at dawn in emergency. If *tefilin* do not apply by night, 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.

If Scripturally one may wear them by night, the only reason to refrain is to avoid disrespect while sleeping with them. Some people stay in bed until *misheyakir*, but many people get up at dawn. Thus, in pressing circumstances, one may wear them at dawn. In one view, one may even recite the *brocha* (possibly even before dawn). Since he got up to *daven*, he will not fall asleep. This should only be relied on if there will be no chance to recite the *brocha* after *misheyakir*.

Based on our discussions, one should rather wait until *misheyakir* before reciting the *brochos* on *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. 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 the case of *tefilin*, the *mitzvah* is to bind them on the arm and head. The *brocha* should be recited before doing this. If it was not recited then, one may recite it while wearing them. He should move them while reciting the *brocha*, and immediately put them back into place.

To avoid distraction and disorientation, it is common to put on the *talis* and *tefilin* before beginning *davening*, even if it is really early. 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*.

The Talmud discusses one setting out on a trip too early for *tefilin*. Rather than carrying them, he puts them on early. He later adjusts and says the *brocha*. The *poskim* say that he may intend to fulfill the *mitzvah* at the time he puts them on, in keeping with that view. Donning the *tefilin* early in our case could be seen as a convenient way to avoid the interruption, but not an act of *mitzvah* performance. However, considering the opinion(s) that allow *tefilin* to be worn by night or immediately after dawn, it could be seen as a valid performance of the *mitzvah*. The *brocha* is delayed to avoid the separate controversy about an invalid *brocha*. They are adjusted due to controversy about *ovair laasiyan*, reciting it before performing the *mitzvah*. However, while actually donning them, he is indeed involved in the real *mitzvah* performance. [See Brochos 8b-9b Yerushalmi [and] 9:3 Psachim 7b etc. Yuma 37b Menachos 34b-35a 36a-b, Poskim. Tur, BY Sh Ar OC 8:10 16 25:8 30:1 3 58:1, commentaries. Shaagas Aryeh 43-46. Igros Moshe OC IV:6-7.]

#### **B) Nusach hatefilah**

The term *nusach* is used to describe the established way something is done. Originally, there were eighteen basic subjects included in the *tefilos*, but one could devise language of his own to present his *tefilah*. Ezra and his court formalized the language of the

*shemone esrai* as we know it. His court included a few prophets, and the rest had divine inspiration. Since then, one should keep to the accepted *nusach*, or version.

Originally, these formalized *tefilos* were memorized and passed down. Sometime following the recording of Talmud Yerushalmi, the formal versions of *tefilah* began to be recorded. The oral nature of the transmission, coupled with the lack of printing presses, led to variant versions, including errors. During the Gaonic period, authorized versions were recorded and disseminated. Some of these have survived. Within these themselves, there are variations. Even the same authority sometimes has two versions.

By and large, the standard text of the *tefilos* is universal. However, due to the distances between communities, some differences of opinion on the meanings and the need to preserve local customs, slight variations abound. As a result, different communities *daven* with different *nuschaos*. Based on the opinion that validates *kabalistic* meanings to the words and numbers, some maintain that one may, and perhaps should, try to change the *nusach*. Others maintain that one may not digress from his original *nusach*, based on the verse, *al titosh toras imecha*, literally, do not abandon the Torah of your mother.

Even these changed *nuschaos* are debated, resulting in even more variations. The *poskim* validate all *nuschaos*, provided one has that *minhag*. A visitor from another community will often have a different *nusach*. When *davening* in a *shul*, one may not digress from the congregations practices. This is based on *lo sisgodedu*, a Scripturally mandated rule to prevent divisiveness and strife. However, if he practices his own custom inconspicuously, no-one will know to cause strife. Moreover, there is the separate requirement to follow his original 'mother' practices. Therefore, many *poskim* maintain that in his private *tefilah*, one should keep to his own *nusach*. When reciting those parts of *tefilah* that are heard by others, one should follow the host *nusach*.

Assuming that one may change his *nusach*, does this require *hataras nedarim*? Generally, if one has followed a meritorious practice, it is considered a personal vow. To stop this practice, he would need to be absolved. However, if the practice was not a *chumra*, personal stringency, no *hatarah* is required. If it was a *chumra* but was perceived as basic *halacha*, no *hatarah* is required. It was undertaken by mistake. Moving permanently to a community that practices a different *minhag* does not require *hatarah*. The question is whether the existence of two valid *minhagim* in the same community is the same.

Apart from *toras imecha*, there is a requirement to follow one's teachers. One should not act independently of them, even when he thinks he is right. One great leader described divine punishment he received for breaking with these traditions. Apart from the fact that any change can lead to a slippery slope, one never knows whether he is truly correct. Indeed, he usually has the majority against him. Furthermore, anyone following personal rulings is liable for *yuhara*, false pride. The question is whether this change would be included in such a category.

If the questioner asks his teachers what he should do, they might allow him to change. This 'change' is not a new idea, but is subscribed to by many communities. The teachers would have to have heard this practice from others, and that it was approved as an alternative. In that case, he could maintain that he is not creating a new idea. He is departing from the way he was taught, but it exists as a valid practice. [See Brochos 11a-b

etc. Tur BY OC 68 (MA) 112 113, commentaries. Yam Shel Shlomo, Baba Kama 7:37.]

### C) Interrupting *pesukei dezimra*

Having recently discussed this subject at length, we will focus on the relevant topics. *Pesukei dezimra* is based on allotting time to prepare for *shema* and *shemone esrai*. It is also connected to concept of 'finishing' *Tehilim* every day. It includes the final six chapters of *Tehilim*. It is pure praise of Hashem. It begins with a *brocha*, *baruch she'amar*, and it ends with a *brocha*, *yishtabach*. *Yishtabach* does not have the conventional beginning section of a *brocha*, but has the conventional ending of a long *brocha*. It is assumed to be connected to *baruch she'amar*. Accordingly, the entire *pesukei dezimra* is considered an extended *brocha*-type service. Interrupting in the middle would be like interrupting between two such types of *brocha*.

If one was unable to recite the *brocha* on *talis* and *tefilin* before he began, such as when he put them on too early or when he did not have them until the middle of *pesukei dezimra*, the poskim debate whether he may recite the *brochos*. Ashkenazim follow the view that he may recite the *brocha* on *talis* and *tefilin* in the middle of *pesukei dezimra* between paragraphs. He may not say them right before *yishtabach*. This interrupts between the activity and its *brocha*.

The version of *Hodu* added to *pesukei dezimra* is from Divrei Hayamim. It was recited when the holy ark was brought to Yerushalayim. Subsequently, half was recited daily with the morning *tamid* offering, and half in the afternoon. Early versions of the *sidur* do not include it in *pesukei dezimra*. Sefaradim recite it as an addition to *korbanos*, for the reason we mentioned. Ashkenazim add it after *baruch she'amar*. Our question is: how critical is it to follow *nusach Ashkenaz*, both personally and in an *Ashkenaz* congregation when this is also one's personal *nusach*? On the latter issue, if the switch is inconspicuous, there is no issue of *lo sigodedu*. On the former issue, it would seem that *nusach Ashkenaz* considers it praise, but not connected to *korbanos*. If one switches to Sefarad temporarily and for a good reason, one should be able to change it. However, changes are fraught with issues, as mentioned in the last section. Therefore, it is better to rely on the poskim and recite the *brochos* during *pesukei dezimra*. [See Brochos 13a-b 30b 32b 40a Pesachim 21a Yuma 66a Sukah 38b Bava Kama 115b-116a Menachos 36a Chulin 86b, Poskim. Tur, Sh Ar OC 25:9-10 51:4-5 [MB 8 10] 53:3 66 104:1-4109:1, YD 19:1-2 4-5 8, commentaries. Abudraham, Baruch She'amar. Aitz Yosef, Baruch Sheamar.]

In conclusion, he should stick with his *nusach*.

**On the parsha ...** This is My [hidden] name forever, and this is the way [My name] shall mentioned in every generation ... [3:15, Rashi] Why are there two versions of the same name of Hashem, one of them "hidden"? This name is powerful and potent [Moshe used it to kill the Mitzri]. When uttering something, one must understand its meaning and its force. Because there are hidden meanings that cannot be understood, one may not use this name unless specifically instructed to do so. The name's hidden powers are attributed to the one uttering the pronounced name by divine inspiration. This is the power of the *nusach hatefilah*.

Sponsored in honor of the births of Zisel Silver and Akiva Moshe Darabaner. Mazal tov. 

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