

HALOCHOSCOPE

Someone is planning to begin *davening* very early in the morning. Under normal circumstances one does not wear *talis* or *tefilin* before the time of *misheyakir*, recognizing an acquaintance at a short distance in the poor light. Various times are given for this. Should he rely on an early time for this? Should he don them early and recite the *brocha* at some later point, such as after *Yishtabach*? Should he wait to don them then, with the *brocha*?

The issues:

- A) *Misheyakir*; the various times used
- B) *Talis* and *Tefilin*; the optimum, and earliest times they should be worn
- C) *Hefsek*, interrupting *Pesukei Dezimra*

A) *Misheyakir*

The time known as *Misheyakir* comes from a passage in the Talmud discussing the earliest time for reciting *krias shema* in the morning. *Mitzvos* that must be done by day should not be performed before sunrise. If they are performed after daybreak, one fulfills his obligation. Delaying it to sunrise assures that no-one will inadvertently do it too early. However, day really begins at daybreak. *Krias shema* is different. There is no explicit mention of daytime in the Torah's instructions for this mitzvah. We are to recite it when we go to sleep and when we get up. This means in the evening and in the 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. In different contexts, the Talmud discusses sunrise, dawn, or other times based on the measure of light needed to recognize something. The first is recognizing the difference between *techailess*, a bluish color, and white. Some say this refers to the *tzitzis* themselves. [Both colors are used for *tzitzis*.] The second view requires one to be able to distinguish between *techailess* and green. This would require more light, and would be a little later. The third and fourth views require light to facilitate distinguishing between a dog and a wolf, or between a domesticated and a wild donkey. Some say that these views are two ways of saying the same thing, and that they are also in agreement with the second view. The similarities between these species would make it harder to tell them apart, and would require more light. The final view is that there be sufficient light to recognize an acquaintance like an occasional guest, at a distance of four cubits. Some say that this view is in agreement with the first view mentioned.

Some say dawn would be the Scriptural time. Rabbinically, *misheyakir* was chosen because the *parsha* of *tzitzis* is included in *krias shema*. This *mitzvah* requires seeing. Some explain, the different views on *misheyakir*, depend on whether the focus is on dressing (*techailess*), traveling (by donkey), venturing outside the inhabited areas (wolves and dogs), or avoiding robbers (recognizing people). [See Brachos 8b-9b, Yerushalmi, commentaries.]

The *Poskim* debate the final conclusion of this passage. A minority view is that *krias shema* of the morning should be said at sunrise exactly, and no earlier. A second view maintains that it should be recited after sunrise, and a third view maintains that it must be recited right before sunrise. These two say that it may be recited from dawn in pressing circumstances. The view followed by most *poskim* is that it may be recited as of *misheyakir*. The optimum time is right before sunrise. In pressing circumstances it may be recited from dawn. [See Yuma 37b, Brachos 8b, 9b, Rif, Maor, Raavad, Milchemes, Rosh, Rambam, Tur, Bais Yosef, Shulchan Aruch, Orach Chaim 58:1, commentaries.]

The preferred *misheyakir* is that which allows recognizing an occasional guest. If one must be able to determine this amount of light by himself, it varies according to the clarity of the air and other factors. Some say that it truly depends on the individual. In Yerushalayim it was decided that every day of the year *misheyakir* is one hour before sunrise. This does not necessarily work for other geographic locations. On a clear day, in the New York area, some have observed that this is thirty-five or forty minutes before sunrise.

Some maintain that it is a guide to an astronomical fixed time. In one view, that there is a one hour gap between the beginning and end of sunrise. Dawn is twelve minutes earlier. Thus, there are seventy-two minutes between dawn and the end of sunrise. *Misheyakir* is a tenth of an hour before the beginning of sunrise, or six minutes after dawn. In general, there is a question whether these hours and minutes are measured as a proportion of the daylight. This, in turn, might be measured from dawn to 'nightfall' (itself a matter of debate) or from [the end of] sunrise to sunset (also a matter of debate). Or, since this time is neither night nor day, but somewhere in-between, it is measured by the entire twenty-four hour clock. This combines both night and day, and the hours and minutes are the same year-round.

Another possibility is that at the equinoxes the period between dawn and sunrise is seventy-two standard minutes. This is based on the angle of the sun below the horizon. This would need to be adjusted for each geographic location and each day of the year. This would be a separate calculation to that of the seasonal hours. A twelfth of this time, after dawn, would then be *misheyakir*. It should be noted that 'seventy-two' minutes is also debated. This is based on how one divides the day into parts, based on Talmudic discussion. The other times include: ninety minutes, ninety-two minutes, and two hours. Thus, *misheyakir* as a given time is debated. It might be one hour and six minutes before the predicted sunrise. It might be a seasonally adjusted time for this. Or it might be much later than this. This explains the variety of times listed on charts of *zmanim*. [See Sh. Ar. O.C. 58:1 M.A., Pri Megadim, Kaf Hachayim 18:18. Aruch Hashulchan 18:9. Igros Moshe O.C. IV:6.]

B) Earliest time for Talis and Tefilin

While the Talmud discusses the time for *krias shema* at some length, the same is not true for *talis* and *tefilin*. 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 reason to allow donning them at dawn in pressing situations. If *tefilin* do not apply by night Scripturally, the earliest time Scripturally is dawn. Many *poskim* maintain that this view would allow one to wear 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. In addition, if, Scripturally, one may wear them by night, the only reason the Rabbis forbid wearing them by night is to avoid disrespect while sleeping with them. Many people stay in bed until *misheyakir*, but many people get up at dawn.

Accordingly, in pressing circumstances, one may wear them at dawn. There is a view that one may even recite the *brocha* (possibly even before dawn). Since he got up to *daven*, he will not fall asleep. However, this should only be relied on if there will be no chance to recite the *brocha* after *misheyakir*. [See Brachos 9b, Menachos 36a-b, Poskim. Tur, Sh. Ar. O.C. 30:1, commentaries. Shaagas Aryeh 43-46. Igros Moshe O.C. I:10, IV:6.]

The Talmud does not discuss the earliest time for *tzitzis*. The Talmud debates whether one is obligated in this *mitzvah* by night. Scripture makes no mention of night or day, but says the *tzitzis* should be seen. In one view, this means one should see the *tzitzis* and be reminded of certain other *mitzvos*. The other view says it means the *mitzvah* applies by day. We follow the view that the *mitzvah* does not apply by night. There is a debate on whether this limits the time of the *mitzvah* or the type of garments worn at these times, with many interpretations of the views. Practically, the *mitzvah* begins in the morning.

The *poskim* debate the timing, which would also be the earliest time to recite the *brocha*. Some say that it should have been the same as any *mitzvah* applying by day, at sunrise, and in emergencies at dawn. However, since the word day is not used, this *mitzvah* begins at dawn. Others maintain that since seeing is the issue, *misheyakir* should be the earliest time. There is some support for this view in allusions by the Talmud and the Yerushalmi. This would seem to be the *misheyakir* between *techalless* and white, but many *poskim* cite the *misheyakir* of recognizing an acquaintance. In practice, some *poskim* permit reciting the *brocha* at dawn, while others maintain that one should not recite it before *misheyakir*. [See Menachos 43a-b, Poskim. Tur, Sh. Ar. O.C. 18:3, commentaries.]

C) Hefsek

Based on our discussions, one should rather wait until *misheyakir* before reciting the *brochos* on *talis* and *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. Some *mitzvos* require reciting it during or even immediately after the performance. 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 regard to *talis*, the *mitzvah* continues all the time one is wearing the item of clothing with the *tzitzis*. Therefore, one could recite the *brocha* later and still consider it before the performance. In the case of *tefilin*, the *mitzvah* is to bind them on the arm and head. The *brocha* should be recited before doing this. However, if it was not recited then, one may recite it while wearing them and then adjust them after the *brocha*. [See Yerushalmi Brachos 9:3, Psachim 7b etc., Menachos 34b-35a, Poskim. Tur Sh. Ar. O.C. 8:10 16, 25:8, commentaries. Igros Moshe O.C. IV:7.]

Talis and *tefilin* should be worn while reciting *krias shema*. If one did not have *talis* and *tefilin* available when he began *davening*, but got them later, he should put them on. However, the issue of *Hefsek*, interruption, arises with regard to both putting them on and reciting the *brochos*. One may not interrupt in the middle of a *brocha*. *Pesukei dezimra* is between *baruch she'amar* and *yishtabach*. This is considered the middle of a *brocha*. One should only interrupt for a *mitzvah*. Since *talis* and *tefilin* are really only needed for *shema*, one should wait. During *shema* and its *brochos*, one should only interrupt for a big *mitzvah*, and then only between sections. The consensus is to interrupt for *tefilin* between sections, before *shema*. If one only got them during *shema*, he may interrupt then. He may recite the *brochos*. For *talis*, one may interrupt between sections to put it on, but the *brocha* is said after *shemone esrai*. Between *kaddish* and *borchu*, between the end of the *shema brochos* and *shemone esrai*, and during *shemone esrai*, one may not interrupt at all. [See *Brochos* 13a etc., *Poskim Tur*, Sh. Ar. O.C. 53: 3, 54:3, 66:2, commentaries.]

In our case, *davening* begins before *misheyakir*. Is it preferable: to put them on before *davening* without the *brochos*, then to interrupt later for the *brochos*; to wait with the *brochos* until after *shemone esrai*; to interrupt to put them on with *brochos* after *yishtabach*; or should one rely on the view that even the *brochos* may be recited after dawn? Given the disparity between the times given for *misheyakir*, should one wait for the earliest of these times before donning *talis* and *tefilin*? Is it more important to recite the *brocha* before doing the *mitzvah*, or to minimize interruption later?

The consensus of the *poskim* is not to recite the *brochos* early if one will be able to recite them later. Therefore, it is preferable to follow one *zman* for *misheyakir* consistently, rather than to choose earlier ones for convenience. Reciting the *brocha* after beginning the *mitzvah* has some basis, but is not preferred. In terms of *hefsek*, since one will need to interrupt anyhow for the *brocha*, the additional time for the donning does not count as a second *hefsek*. Accordingly, it would be preferable to wait to put them on after *yishtabach*. However, if it will distract one more than the simple *brocha*, it will have caused a substantially greater *hefsek*. Furthermore, one might be unsure whether he will reach *yishtabach* before *misheyakir*. In addition, in a setting where the entire congregation will need to don their *tefilin* then, the issue of *tircha detzibura*, unduly bothering the congregation arises. If one person takes longer, the group would need to wait for him. In such circumstances, it would be preferable to forgo the advantages of reciting the *brocha* before the *mitzvah*.

On the Parsha ... Yitzchok did not rely on the voice, but felt Yaakov's hands. '*Velo hikiro ..*' he did not 'recognize' him, for his hands were hairy. Why does the Torah even bother to mention that he did not recognize him? He was blind. From here it seems that the word '*lehakir*' applies to other senses used for recognition, besides sight. We will assume that the idea of *misheyakir* applying to an acquaintance is based on the verse (Ruth 3:14): She lay at his feet until the morning and she arose before one man could recognize his acquaintance ...

Further discussion: If one recognizes an acquaintance by the sound of his voice or clothing or gait, combined with seeing him, has *misheyakir* arrived? Could sound be used to help distinguish between wolf and dog? In terms of functioning by daylight, this would work. If this is true, *misheyakir* would actually be earlier than when one would recognize by light alone.

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