YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Contemporary Halakha**

**Rav David Brofsky**

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Dedicated in memory of Rabbi Jack Sable z”l and

Ambassador Yehuda Avner z”l,

by Debbie and David Sable

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Dedicated in memory of my recently departed father,

Dr. Lloyd Bayme - ד״ר אליעזר ביים

- Michael Bayme

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**Shiur #01: Introduction to Mitzvat Tefillin**

**Introduction**

 The Torah (*Shemot* 13:9; see also ibid. 13:16, and *Devarim* 6:8; and 11:18.) instructs, and we recite twice each day in the *Keri’at Shema*, that one must place *tefillin* on one’s arm and head:

And this shall serve you as a sign on your hand and as a reminder between your eyes, in order that the teaching of the Lord may be in your mouth—that with a mighty hand the Lord freed you from Egypt.

As we shall see below, the Torah relates wearing *tefillin* to the love of God, as well as to the Exodus from Egypt.

 In the upcoming *shiurim*, we will attempt to define and understand the mitzva of *tefillin*; we will discuss their structure and physical characteristics, as well as the manner in which they are worn. This week, we will introduce the mitzva and relate to its reasons, significance, and definition.

***Ta’amei Ha-Mitzvot***

 *Tefillin* are mentioned four times in the Torah, and these four *parshiyot* are placed inside the two boxes of the *tefillin*. The first two *parshiyot*, found in *Sefer* *Shemot*, discuss the wearing of the *tefillin* in the context of remembering the Exodus from Egypt.

The Lord spoke further to Moses, saying, “Consecrate to Me every firstborn; man and beast, the first issue of every womb among the Israelites is Mine.” And Moses said to the people, “Remember this day, on which you went free from Egypt, the house of bondage, how the Lord freed you from it with a mighty hand: no leavened bread shall be eaten. You go free on this day, in the spring month. So, when the Lord has brought you into the land of the Canaanites, the Hittites, the Amorites, the Hivites, and the Jebusites, which He swore to your fathers to give you, a land flowing with milk and honey, you shall observe in this month the following practice: Seven days you shall eat unleavened bread, and on the seventh day there shall be a festival of the Lord. Throughout the seven days, unleavened bread shall be eaten; no leavened bread shall be found with you, and no leaven shall be found in all your territory. And you shall explain to your child on that day, ‘It is because of what the Lord did for me when I went free from Egypt.’ **And this shall serve you as a sign on your hand and as a reminder between your eyes, in order that the teaching of the Lord may be in your mouth—that with a mighty hand the Lord freed you from Egypt.** You shall keep this institution at its set time from year to year.” (*Shemot* 13:1-10)

And when the Lord has brought you into the land of the Canaanites, as He swore to you and to your fathers, and has given it to you, you shall set apart for the Lord every first issue of the womb: every male firstling that your cattle drop shall be the Lord’s. But every firstling donkey you shall redeem with a sheep; if you do not redeem it, you must break its neck. And you must redeem every first-born male among your children. And when, in time to come, your child asks you, saying, “What does this mean?” you shall reply, “It was with a mighty hand that the Lord brought us out from Egypt, the house of bondage. When Pharaoh stubbornly refused to let us go, the Lord slew every firstborn in the land of Egypt, the firstborn of both man and beast. Therefore, I sacrifice to the Lord every first male issue of the womb, but redeem every male firstborn among my children.” **And so it shall be as a sign upon your hand and as a reminder between your eyes that with a mighty hand the Lord freed us from Egypt**. (ibid 11-16)

While these two *parshiyot* focus on *yetzi’at Mitzrayim*, the two other *parshiyot*, found in *Sefer Devarim* and recited twice each day as part of the *Keri’at Shema*, focus on *ahavat Hashem*, the oneness of God, and the principle of *sechar ve-onesh* (reward and punishment).

Hear, O Israel! The Lord is our God, the Lord is one. You shall love the Lord your God with all your heart and with all your soul and with all your might. Take to heart these instructions with which I charge you this day. Impress them upon your children. Recite them when you stay at home and when you are away, when you lie down and when you get up. **And bind them as a sign upon your hand and as a reminder between your eyes**,and you shall inscribe them on the doorposts of your house and on your gates. (*Devarim* 6:4-9)

If, then, you obey the commandments that I enjoin upon you this day, loving the Lord your God and serving Him with all your heart and soul, and I will grant the rain for your land in season, the early rain and the late. You shall gather in your new grain and wine and oil. Take care not to be lured away to serve other gods and bow to them. For the Lord’s anger will flare up against you, and He will shut up the skies so that there will be no rain and the ground will not yield its produce; and you will soon perish from the good land that the Lord is assigning to you. And you shall impress these My words upon your heart and soul, **and you shall bind them as a sign on your hand and let them serve as a reminder between your eyes**. And you shall teach them to your children—reciting them when you stay at home and when you are away, when you lie down and when you get up; and inscribe them on the doorposts of your house and on your gates— to the end that you and your children may endure, in the land that the Lord swore to your fathers to assign to them, as long as there is a heaven over the earth. (Ibid. 11: 13-21)

As we shall see, the *Rishonim* noticed the different contexts in which the mitzva of *tefillin* appears and which may reflect different themes of the mitzva.

 On the one hand, the Rambam implies that the *tefillin*, both *shel rosh* and *shel yad*, are meant to have a profound spiritual and behavioral effect upon the one who wears them. He writes (*Hilkhot Tefillin u-Mezuza ve-Sefer Torah* 4:25):

The holiness associated with *tefillin* is very great. As long as a person is wearing *tefillin* on his head and arm, he will be humble and God-fearing and will not be drawn to frivolous behavior or empty speech. He will not turn his thoughts to evil matters, but rather will direct his heart to words of truth and justice.

The Rambam further explains (ibid. 6:13) that *tefillin* are most impactful in tandem with two other *mitzvot*, i.e., *tzitzit* and *mezuza*.

The early Rabbis teach: Whoever wears *tefillin* on his head and arm, wears *tzitzit* on his garment, and has a *mezuza* on his entrance, can be assured that he will not sin, because he has many who will remind him. These are the angels, who will prevent him from sinning, as it states: "The angel of God camps around those who fear Him and protects them” (*Tehillim* 34:8).

*Tefillin*, *tzitzit*, and *mezuza* constantly remind a person of God’s presence and prevent him from sinning. The *Sefer Ha-Chinukh* (421) adopts this approach as well. The Rambam and the *Chinukh* apparently view *tefillin* as a central ingredient in safeguarding and developing one’s spiritual personality.

 Alternatively, the Ramban (*Shemot* 13:16) focuses on the relationship between *tefillin* and the mitzva of remembering the exodus from Egypt. In a well-known philosophical tangent in his commentary on the Torah, the Ramban discusses the centrality of *yetzi’at Mitzrayim* and the role of miracles in Jewish thought.

Now the fundamental reason of this commandment is that we lay the script of the exodus from Egypt upon the hand and upon the head, opposite the heart and the brain, which are the pivots of thought. … the great signs and wonders constitute faithful witnesses(*Yeshayahu* 8:2) to the truth of the belief in the existence of the Creator and the truth of the whole Torah. And because the Holy One, blessed be He, will not make signs and wonders in every generation for the eyes of some wicked man or heretic, He therefore commanded us that we should always make a memorial or sign of that which we have seen with our eyes, and that we should transmit the matter to our children, and their children to their children, to the generations to come, and He placed great emphasis on it, as is indicated by the fact that one is liable to extinction for eating leavened bread on Passover, and for abandoning the Passover-offering, and He has further required of us that we inscribe upon our arms and between our eyes all that we have seen in the way of signs and wonders, and to inscribe it yet upon the doorposts of the houses, and that we remember it by recital in the morning and evening.

The Ramban then explains why *yetzi’at Mitzrayim* is so central to Jewish theology:

Through the great open miracles, one comes to acknowledge the hidden miracles, which constitute the foundation of the whole Torah. For one does not have a part in the Torah of Moses our teacher until he believes that all our matters and our events are miraculous, as they are not due to nature or a natural order, whether regarding the public or the individual. Instead, if a person observes the commandments, His reward will bring him success, and if he violates them, His punishment will cause his extinction.

Ramban maintains that focusing on great miracles, such as the exodus from Egypt, calls our attention to the small miracles we experience every moment of every day.

 Prof. Nechama Leibowitz (see “Studies in *Shemot,*” pg. 227) summarized these two approaches as follows:

In other words, *Sefer Ha-Chinukh* regards *tefillin* as “guardians,” reminders making the wearer stop to think, a negative control on the play of his selfish instincts – a break. Ramban, on the other hand, sees them as a positive active force filling him with awareness of the workings of Providence at every step and turn of his life.

These two approaches, i.e., one which focuses upon the worship of God, and the other upon *yetzi’at Mitzrayim*, seem to emerge from the different *parshiyot* within which the mitzva of *tefillin* appears.

 Finally, we should note that identifying the reason for the mitzva of *tefillin* is particularly important. R. Yoel Sirkis, in his commentary to the *Tur* (*Bach* OC 8:7), notes that the *mitzvot* of *tefillin*, *tzitzit*, and *sukka* are unique in that the Torah states the mitzva’s purpose. In our case, the purpose is “in order (*lema’an*) that the teaching of the Lord may be in your mouth—that with a mighty hand the Lord freed you from Egypt” (*Shemot* 13:9). He suggests that this teaches that “the primary aspect of the mitzva and its fulfillment are dependent upon the intention one has while fulfilling the mitzva, unlike other *mitzvot* regarding which one fulfills the obligation even without a specific intention.”

**The Significance of Wearing *Tefillin***

 The Rabbis praise those who fulfill the mitzva of *tefillin*. For example, the Talmud (*Menachot* 44a) relates that Reish Lakish said: “Anyone who dons phylacteries lives a long life.” Similarly, the *Tur* cites the *Shimusha Rabba*, which relates that Rava asserted: One who wears *tefillin* and *tzitzit* and reads *Keri’at Shema* and prays, is assured a portion in the world to come.”

 Regarding one who does not wear *tefillin*, the Talmud (*Menachot* 44a) teaches:

[Rav Sheshet](file:///C%3A%5Ctopics%5Crav-sheshet) says: Anyone who does not don phylacteries violates eight positive *mitzvot*. This is referring to the mitzva to don phylacteries of the arm and head, each of which is mentioned in four different passages ([*Shemot* 13:9](file:///C%3A%5CExodus.13.9), [13:16](file:///C%3A%5CExodus.13.16); [*Devarim* 6:8](file:///C%3A%5CDeuteronomy.6.8), [11:18](file:///C%3A%5CDeuteronomy.11.18)).

 The Talmud (*Rosh Ha-shana* 17a) further discusses the severity of not wearing *tefillin*.

The rebellious Jews who have sinned with their bodies (*posh’ei Yisrael be-gufan*), and also the rebellious people of the nations of the world who have sinned with their bodies, descend to *Gehinom* and are judged there for twelve months. After twelve months, their bodies are consumed, their souls are burned, and a wind scatters them under the soles of the feet of the righteous, as it is stated: “And you shall tread down the wicked; for they shall be ashes under the soles of your feet” ([*Malakhi* 3:21](file:///C%3A%5CMalachi.3.21)).

The Gemara explains that “*posh’ei Yisrael be-gufan*” refers to “the skull that did not don phylacteries.” Commentators have interpreted this passage in different ways, in light of the widespread custom, in some European communities, of not wearing *tefillin*. The Geonim (cited in *Ittur*, *Tefillin* 1:5) explain that the Gemara refers to those who have never worn *tefillin*. This appears to be the view of the Rif and Rambam as well. The *Semag* (*Asin* 3) and Rosh (1:5) explain that the Talmud refers to those who do wear *tefillin* but not every day. The *Yere’im* (399) explains that the Gemara refers to one who does not wear *tefillin* specifically due to contempt for the mitzva.

**One or Two *Mitzvot***

 The *Rishonim* discuss whether wearing both phylacteries, i.e., the *tefillin shel rosh* and the *tefillin shel yad*, constitutes one or two *mitzvot*. The Rambam (*Sefer Ha-Mitzvot*, Positive Commandments 12-13), the *Semag* (21-22), and the *Chinukh* (421-422) count the *tefillin shel yad* and *tefillin shel rosh* as two separate *mitzvot*. The *Yere’im* (399) and *Semak* (153) list *tefillin shel rosh* and *tefillin shel yad* as only one mitzva.

 This debate may have practical ramifications. As we will discuss in a future *shiur*, the *Rishonim* disagree as to whether one should say one blessing or two upon donning the *tefillin*. Rashi (*Menachot* 36a, *s.v. lo sach*) rules that only one blessing is recited when putting on the *tefillin*, unless one interrupts in between the *tefillin shel yad* and the *tefillin shel rosh*. Rambam (*Hilkhot Tefillin* 4:4) rules this way as well. *Tosafot* (ibid. *s.v. lo sach*; see also *Tosafot* *Berakhot* 60b, *s.v. asher*), however, disagree and rule that one recites two blessings: *le-haniach* *tefillin* upon donning the *tefillin* *shel yad*, and *al mitzvot tefillin* when placing the *tefillin shel rosh* on one’s head.

 Some (see Rashba, *Menachot* 36a, *s.v. sach*) explain that *Tosafot* maintain that two blessings are recited because the *tefillin shel yad* and *tefillin shel rosh* are two separate *mitzvot*. Although one might therefore infer that the Rambam (and Rashi) must believe that the *tefillin shel yad* and *tefillin shel rosh* are two parts of one mitzva, as mentioned above, the Rambam counts these two parts as two separate *mitzvot*! To understand the Rambam’s view, we must explain how one blessing can be recited before the performance of two independent *mitzvot*.

 The Rambam relates to this question explicitly in his *teshuvot* (*Pe’er Ha-Dor* 8:1):

Even though they count as two *mitzvot*, and not performing one does not invalidate the other (*einan me’akvot zu et zu*), since these two *mitzvot* are “*inyan echad*” (one idea), he recites only one blessing on them, as both of them serve as a remembrance, as the verse says, “in order that the teaching of the Lord may be in your mouth.”

 Interestingly, elsewhere (*Sefer Ha-Mitzvot*, Positive Commandment 161), the Rambam explains why one should not think that the two elements of *sefirat ha-omer*, i.e., counting the days and counting the weeks, constitute two separate *mitzvot*.

Do not be misled to consider [the counting of days and weeks as] two commandments because of the statement of our Sages, "It is a mitzva to count the days, and it is a mitzva to count the weeks” … If [counting] the weeks would be a separate commandment, [the Sages] would have two blessings: "[Blessed are You God, King of the universe,] Who has sanctified us with His commandments and commanded us to count the days of the *omer*," and "to count the weeks of the *omer*." This is not the case; rather, the mitzva is to count the days and weeks of the *omer* as was commanded.

The Rambam clearly states that if counting the days and the weeks of the *omer* had constituted two separate *mitzvot*, the Rabbis would have instituted two separate blessings. Apparently, the two counts reflect two distinct themes, which, had they been counted as separated *mitzvot*, would warrant two different blessings – while the *tefillin shel yad* and *tefillin shel rosh*, despite being counted as separate *mitzvot*, reflect one singular theme. This fascinating distinction deserves further research.

**The Obligation to Wear *Tefillin***

How often, and for how long, is one obligated to don *tefillin*? Theoretically, one might suggest that there is no specific time during which one must fulfill the mitzva of *tefillin*. Alternatively, the mitzva of *tefillin* may be constant, i.e., one must wear one’s *tefillin* all day, except when engaged in activities which preclude one from wearing *tefillin*. Then again, there may simply be an obligation to don *tefillin* once each day.

The Talmud does imply that the *Amora’im* wore *tefillin* all day long. For example, the Gemara (*Menachot* 36a) teaches:

And until when does one wear them? Until the sun sets. Rabbi Yaakov says: Until traffic in the marketplace ceases. And the Rabbis say: Until the time of sleep. And the Rabbis concede to Rabbi Yaakov that if one removed them to go out to the bathroom or to enter the bathhouse, and the sun set, one does not don them again.

The Gemara appears to assume that one wears *tefillin* the entire day.

 Similarly, *Tosafot* (*Sukka* 45b, *s.v. echad*) explain that, in contrast to the *lulav*, on which one recites the blessing only once a day, one who takes off one’s *tefillin* and then puts them on again repeats the blessing – because “their mitzva is for the entire day, that they should be placed on his head and on his arm.” This appears to be the view of the Rambam (*Hilkhot Tefillin* 4:25):

A man should therefore endeavor to wear phylacteries the whole day, this being the right way of fulfilling the precept. It is said of Rav*,* the disciple of our Sainted Teacher [Rabbi Yehuda HaNasi], that throughout his life no one saw him without Torah, *tzitzit*, or phylacteries.

Similarly, the *Shulchan Arukh* (OH 37:2) writes:

It is a mitzva to have them [*tefillin*] on all day, but because they [*tefillin*] need a clean body [meaning that] he does not pass gas, and [further require] that one not distract his mind from them, and not every person is able to be careful with them, the practice is not to wear them all day. Nevertheless, every man needs to be careful with them that they should be on him while reciting *Shema* and *Tefilla*.

The *Shulchan Arukh* acknowledges the difficulty in wearing *tefillin* for the entire day, as one must be extremely careful regarding one’s physical and mental state while wearing them; however, he still indicates, alongside the *Tosafot* and Rambam, that the mitzva should ideally be performed for the entire day. The Vilna Gaon (cited in *Keter Rosh*, 15) expressed regret that in our generation the mitzva of wearing *tefillin* for the entire day is not fulfilled.

 The *Tosefta* (*Berakhot* 6:17), however, implies that the primary mitzva is to don *tefillin* once a day.

When does he put them (i.e., *tefillin*) on? In the morning. [If] he did not put them on in the morning, he [can] put them on the whole day.

This source assumes that a person wears *tefillin* once, during the day; it questions only at what precise time the mitzva should be performed. (See *Peri Megadim*, *Eshel Avraham*, 37:2.) Apparently, even those sources that speak of wearing *tefillin* all day refer to an addition, a higher spiritual level, rather than to a halakhic requirement.

 Next week we will continue our discussion of *tefillin*.