



## FROM THE VIRTUAL DESK OF THE OU VEBBE REBBE RAV DANIEL MANN



# Mistake in *Beracha* on Delayed Laying of *Tefillin* – part I

**Question:** I was at home with a weak stomach and decided it would be halachically prudent to put on my *tefillin* for a shortened period (from after *Yishtabach* through *Shemoneh Esrei*). After I fastened the *tefillin shel yad*, I realized that the *beracha* I had recited was not the one for *tefillin* but that I had instinctively said *Yotzer Ohr*. I continued *davening* with just the *shel yad* until the next semi-break, *Yotzer Hame'orot*, at which point I put on the *shel rosh* and the hand wrappings. Was that correct, and what should I have recited when?

**Answer:** Considering the need to react to a mistake, you got a lot of things right, which we will now review. We will start with your assumption that your recitation of *Yotzer Ohr* was valid, and later we will revisit that assumption and its ramifications.

While it is hard to quantify such matters, one should not have *tefillin* on when

there is even a small/modest chance that he might release gas (see *Shulchan Aruch*, *Orach Chayim* 37:3; *Mishna Berura* 30:4). The most important time to have *tefillin* on is for *Kri'at Shema* and *Shemoneh Esrei* (*Shulchan Aruch*, *OC* 25:4). After starting *Baruch She'amar*, when breaks are permitted only for important reasons, the best place to make important interruptions is between *Yishtabach* and *Kaddish* (with a *minyán*, other than for a *chazan*) or *Yotzer Ohr* (by oneself) (see *Rama*, *OC* 54:3). Even at this point (and certainly in your case), though, one should recite only the *berachot* and *Baruch shem ...* and not the additional *p'sukim* (*Ishei Yisrael* 16:26\*). While other possibilities exist, as we shall see (see also *Mishna Berura* 53:5), your plan makes great sense.

Finding yourself in the midst of putting on *tefillin* in the midst of one of *birchot Kri'at Shema* (*Yotzer Ohr* ends with “*Yotzer Hame'orot*”) indeed raises questions. One does not make a *beracha* on *tefillin* in the middle of a section/*beracha*, and unless it is during *Kri'at Shema*, one should wait until the next *beracha* break to put on the *tefillin* with the *berachot* (*Shulchan Aruch*, *OC* 66:2; *Be'ur Halacha* ad loc.; *Mishna Berura* ad loc. 15; *Ishei Yisrael* 19:13). There is a minority opinion (see *Mishna Berura* 54:13) that recommends putting on the *tefillin* at the first opportunity, even in the middle of a *beracha*, and making the

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*beracha* on them after touching them at the next break. You anyway had little to gain, with the *tefillin* already on (see opinions in Dirshu 66:5), by reciting *L'haniach Tefillin* before *Yotzer Hame'orot*, so waiting had logic.

In your case, though, there was another factor. One must not speak between the *tefillin shel yad* and *tefillin shel rosh*, which you did with the entire *beracha* of *Yotzer Ohr*. The severe issue (Sota 44b) is based on the fact that the break creates an artificial need for an extra *beracha* (Mishna Berura 25:28), but that did not apply to you. You did not make the *beracha* in the first place and should have recited the same *L'haniach Tefillin* (for the ongoing *mitzva* of the *shel yad*) and *Al Mitzvat Tefillin* (followed by *Baruch shem k'vod ... - Ishei Yisrael 19:13*) for the *shel rosh*. There is no problem per se with having only one of the *tefillin* on for extended periods, and when necessary this is prescribed (Shulchan Aruch, OC 26:1). Nevertheless, it is relatively important to do the two in proximity to each other (Mishna Berura *ibid.*).

Therefore, we would have recommended to put on the *shel rosh* without *berachot* and make up both *berachot* after

*Yotzer Hame'orot*. Although we generally want a *mitzva's berachot* to precede the *mitzva* (Pesachim 7b), there are agreed precedents that the *beracha* on the *tefillin* will come later. One example is one who is traveling precariously before the time for *tefillin* (Shulchan Aruch, OC 30:3), and another is one whose *tefillin* arrive right between *Ga'al Yisrael* and *Shemoneh Esrei* (Shulchan Aruch, OC 66:8). On the other hand, neither setup is perfect and neither is forbidden, and therefore what you did was also reasonable.

*As promised, we will return to discuss the mistaken beracha next time.* ■

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