



לעילוי נשמת
 יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

Minyan or Tallit and Tefillin?

Question: Right before entering *shul* for *Shacharit*, I realized I forgot my *tallit* and *tefillin* (=t&t). If I would go home to get them, I would effectively miss *tefilla b'tzibbur* (it was the last *minyan*). What is preferable – to *daven* at home with t&t or *daven* in *shul* without them?

Answer: If you were just missing a *tallit*, it would clearly be better to *daven* with a *minyan* (Ishei Yisrael 12:19). Arguably, it is improper to recite *Kri'at Shema* (=KS), whose third *parasha* commands to wear *tzitzit*, without a *tallit* on, like doing so without *tefillin* is (see Berachot 14b). However, not all agree that it is an issue because the *mitzva* applies only if one is wearing a four-cornered garment (Tosafot ad loc.). Furthermore, you presumably are fulfilling the *mitzva* with your *tzitzit*. While we are somewhat concerned that the *tzitzit* garment is not large enough for the *mitzva* (Darchei Moshe, Orach Chayim 8:3) and there are other advantages to *davening* with a *tallit* (including covering one's head with it), most Ashkenazi single men demonstrate that this is far from critical, as they men rely on the

assumption they are big enough (see Living the Halachic Process III, F-7).

Regarding *tefillin*, we mentioned the *gemara* that it is problematic to do KS without them, because it contains their commandment. Important sources (see Tosafot ad loc., Shulchan Aruch, OC 25:4) extend this to *Shemoneh Esrei* (=SE). This is not an absolute rule, as we recite KS without *tefillin* when *sof z'man* KS is before our *davening* and we will later repeat KS with *tefillin* on (see Yabia Omer I, OC 4). Which is stronger – the preference to *daven* with a *minyan* (Shulchan Aruch, OC 90:16) or reciting KS/SE with *tefillin*?

The *Magen Avraham* (66:12) writes that one who is waiting to borrow *tefillin* should forgo SE with a *minyan* in order not to *daven* without them. His source is based on what we might call the halachic transitive property of inequality: If one enters *shul* when the congregation is about to start SE of *Shacharit*, he must not skip straight to SE because the importance of *davening* SE immediately after mentioning *geula* is greater than that of *davening* SE with a *minyan* (Shulchan Aruch, OC 111:3). Nevertheless, if one attains *tefillin* between *geula* and SE, he should put on the *tefillin* at that point, despite the resulting break (ibid. 66:8.). This shows that the importance of *davening* with *tefillin* is greater than the proximity of SE to *geula*. If SE with *tefillin* is of greater importance than the proximity of *geula* and *tefilla*, and that proximity is of greater importance than SE with a *minyan*, it follows that *davening* SE with *tefillin* is more

important than *davening SE* with a *minyan*.

We have shown (Living the Halachic Process IV, A-3) how to deflect the Magen Avraham's proof and pointed out that some disagree with him, but the Mishna Berura (66:40) and most *Acharonim* (see Ishei Yisrael *ibid.*) accept his ruling. However, especially because the Magen Avraham is already a *chiddush*, we need not extend the choice to prefer the *tefillin* over *minyan* to your case because you would lose other things as well. Although we consider *minyan* more important for *SE* than for being able to recite other *devarim shebekedusha* (see Chaye Adam I:19:1), it is very possible that the Magen Avraham would agree that the two together are more important than *tefillin* for *davening*. You can add to that the value of *davening* in a *shul* (Shulchan Aruch, OC 90:9). Therefore, we would recommend to stay in *shul* rather than *daven* at home and put on *t&t* and repeat *Kri'at Shema* after going home.

You may have overlooked better alternatives. Many *shuls* have spare pairs of *t&t* or

people to borrow from at some point in *tefilla*. (In order to make a *beracha* on a *tallit* and fulfill the *mitzva*, one must acquire it temporarily (*ibid.* 14:3); for *tefillin*, it just must not be stolen (*ibid.* 25:12).) Another possibility was to return with *t&t* and although not making it to *SE* with the *tzibbur*, partake in some of the *devarim shebekedusha*. (You would just need to ensure that you did not miss *sof zman KS* or *tefilla*.) ■

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