הפסק לדברים שבקדושה

נג. אם שמע קדיש או קדושה בין הנחת תפילין של יד לתפילין של ראש, לא יפסיק לענות עמהם, אלא שותק ושומע ומכוין למה שאומרים. [ש"ע סעיף י]

ובדיעבד שעבר והפסיק לענות קדיש וקדושה, לא יברך על התפלין של ראש "על מצות תפילין", דספק ברכות להקל. [ילקו"י מהדו"ק עמ' ל]

Interrupting to Respond to Kaddish or *Kedusha*

Listening to kaddish while putting on tefillin

53) If someone was in the midst of putting on his tefillin and he heard a congregation reciting kaddish or *Kedusha*, he must not respond to it. He should simply listen to the kaddish or *Kedusha* and think of the meaning of the words. If someone mistakenly responded to the kaddish or *Kedusha*, he must not recite any additional blessing when putting on his *tefillin shel rosh*, based on the principle of *safek berakhot lehakel*.[75]

75. There are three opinions regarding this halakha. The *Arba'a Turim* cited his father, Rabbenu Asher, ruling (*Hilkhot Tefillin* #15) that it is forbidden to respond to kaddish or *Kedusha* while putting on tefillin. Maran in the *Bet Yosef* explained that Rabbenu Asher cited the *Hilkhot Tefillin Atikata* ruling that although it is forbidden, if someone responded to kaddish or *Kedusha* it would not be considered a sin serious enough to warrant the person withdrawing from the battlefield. It is forbidden to interrupt to respond, since it necessitates an extra blessing that one should not have needed to recite, but it is not considered a major infraction if someone did respond. On the contrary, the *Mordekhi* (*Hilkhot Tefillin* 12b) cited Rabbenu Tam ruling that the person *must* interrupt to respond to kaddish or *Kedusha*, and no additional blessing is necessary afterward. The *Agur*, citing the Rashb"a, ruled that it is permissible to interrupt to respond to kaddish or *Kedusha*, but if someone chooses to respond, he then needs to recite an additional blessing when putting on the *tefillin shel rosh*.

Listening to the necessary response

The *Agur* added that even if someone simply listened to the others responding to kaddish or *Kedusha*, depending on the principle of *shome'a ka'one* to fulfill his obligation of responding, he then must recite an additional blessing when putting on the *tefillin shel rosh*. Maran in the *Bet Yosef* commented that this halakha depends on the debate of Rashi and Tosafot regarding someone who is in the middle of the *Amida* and hears the congregation reciting kaddish or *Kedusha*. Tosafot ruled that if he would stop and listen to the congregation, intending to fulfill the mitzvah of responding via the principle of *shome'a ka'one*, he would be guilty of interrupting as if he spoke in the middle of the *Amida*. Rashi disagreed, explaining that although it is possible to fulfill one's obligation by listening in this manner, this person is not guilty of interrupting since he did not actually speak. According to Rashi, *shome'a ka'one* can help someone to fulfill a mitzvah as if he recited the words himself, but it does not count as if he actually spoke and interrupted. The *Shulḥan Arukh* ruled according to Rashi's opinion.

The words of the *Shulḥan Arukh*, "he should stop and listen to what they are saying," need to be clarified. If he listens to other people in the congregation responding Amen, this cannot be considered as if he also responded Amen since the others have no intention of reciting the word on his behalf. In the case of someone reciting the *Amida*, the *Aḥaronim* explained that this means stopping to listen to the cantor reciting the kaddish or *Kedusha*, since the cantor's responsibility is to recite it on behalf of his listeners. Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 188) asserted that this would be helpful only if the cantor is someone who is trained in the halakhot of the prayers and therefore knows that this is his responsibility. If the cantor happens to be simply a lay person from the congregation who knows how to read the words of the prayers out loud, it is likely that he will not have any intentions of reciting the prayers on behalf of his listeners and there is no point in listening to him reciting the kaddish or *Kedusha*. In that case, this person should simply continue reciting the *Amida* and pay no attention to the kaddish or *Kedusha*. According to this, the same would apply to someone putting on his tefillin – there is no purpose in listening to the kaddish of an

נד. אם אחר שבירך ברכת "להניח תפילין", שמע שמתקרבים ובאים לומר קדיש או קדושה, ואם יכרוך שבע הכריכות על הזרוע לא יספיק להניח גם תפילין של ראש ולענות אחר כך קדיש או קדושה, רשאי שלא לכרוך הכריכות, אלא יהדק התפילין של יד בזרוע, וימהר להניח תפילין של ראש, ואז יענה

Shortcut process to respond to kaddish

54) If someone recited the blessing of *lehani'ah tefillin* and while putting on his tefillin he realized that the congregation was about to begin kaddish or *Kedusha*, he should hurry to put on his *tefillin shel rosh* so that he will be able to respond. In fact, if he is afraid that if he proceeds as usual he will not finish on time, he can skip the step of winding the strap around his forearm. He can tighten the strap around

untrained person unless one can actually respond to it verbally.

In practice

The *Shulhan Arukh* (25:10) ruled that one must not respond verbally to kaddish or *Kedusha*, but one should listen to the congregation's responses [while intending to fulfill one's obligation through the principle of *shome'a ka'one*]. Although both Rabbenu Tam and the Rashb"a cited by the *Agur* permit responding verbally, Maran did not rely on the Agur's citation since the Rashb"a ruled in his responsa (cited in the *Bet Yosef*) that it is forbidden to respond since one can fulfill one's obligation by listening.

The *Shulhan Arukh* did not reveal the halakha for someone who mistakenly responded verbally to kaddish or *Kedusha*. A number of *Aharonim*, including the *Ture Zahav*, the *Ma'amar Mordekhai*, the *Ben Ish Hai* (*parashat Vayera* halakha 10), and the *Kaf Hahayim* Sofer (25:63), assumed that Maran's opinion is that the person does not recite an additional blessing on his tefillin, based on the principle of *safek berakhot lehakel*. This assumption is based on the fact that Maran cited the Rashb"a's ruling to listen to the necessary responses, but he did not cite the Rashb"a's ruling that if someone responded verbally he must recite an additional blessing. Other *Aharonim*, including the *Magen Avraham* and the *Eliya Rabba*, ruled that if someone responded verbally he must recite an additional blessing, and the *Mishna Berura* (25:36) followed their ruling. Maran the Rishon Letziyon (*Yalkut Yosef* first edition, page 30) ruled not to recite an additional blessing, based on the principle of *safek berakhot lehakel* and the fact that this is likely the opinion of Maran.

The responsa *Zekhor leYitzhak* Harari (#3) argued that, on the contrary, since the majority of *Poskim* ruled that it is necessary to recite an additional blessing after interrupting to respond to kaddish, we must assume that this is the opinion of Maran as well. This argument is based on the principle put forward by the *Bet David* that we apply the rule of *safek berakhot lehakel* only when the question is evenly balanced. If the majority of the *Poskim* have ruled that a blessing is necessary, however, then one need not fear that it might be a blessing recited unnecessarily. The Torah expects us to follow the ruling of the majority.

Maran the Rishon Letziyon *Yalkut Yosef* first edition, page 31), however, refuted this argument, demonstrating that most *Aharonim* applied the principle of *safek berakhot lehakel* even when most *Poskim* ruled that a blessing is necessary. The sin of reciting a blessing in vain is so grave that the halakha tells us to refrain from reciting a blessing whose validity is in doubt, even if only a minority of *Poskim* ruled that it should not be recited.

The *Artzot Hahayim* (25:70) stated that for Sefardic Jews who do not normally recite any blessing when putting on the *tefillin shel rosh*, following the opinion of Maran, if someone responded to kaddish or *Kedusha* while putting on his tefillin he must then recite the blessing of *al mitzvat tefillin* before putting on his *tefillin shel rosh*. This is because of a *safek sefeka* – perhaps the halakha is as the Rama ruled that one must always recite this blessing when putting on *tefillin shel rosh*, and even if not, perhaps the interruption of responding to kaddish necessitates this blessing.

Maran the Rishon Letziyon refuted this as well, explaining that the principle of *safek berakhot lehakel* overrides any such *safek sefeka*. He put forward this position in responsa *Yehave Da'at* (Vol. V, footnote to #21). This is likewise the ruling of the *Ben Ish Hai* and the *Kaf Hahayim* Sofer. See responsa *Yabia Omer* (Vol. IX, #82:1).

If someone else recited the blessing

If two people are putting on tefillin at the same time and one of them recited the blessing on behalf of them both, and then they heard the congregation reciting kaddish or *Kedusha*, neither one of them may interrupt to respond verbally. Although the *Be'er Hetev* ruled that the person who did not recite the blessing verbally may interrupt to respond, the *Mishna Berura* (*Bi'ur Halakha*) disagreed.

קדיש או קדושה, ואחר כך ישלים לעשות שבע הכריכות על הזרוע, כנהוג. [ילקו״י מהדו״ק עמ׳ לב, וכ״ה במשנ״ב ס״ק לח, ובכה״ח סוף ס״ק ע] (תמונה נ״ד א׳)

ועל כל פנים החכם עיניו בראשו, שאם רואה שקרובים לומר קדיש או קדושה, לא ימהר לברך ״להניח תפלין״, אלא ימתין לעניית הקדיש והקדושה, ואחר כך יברך ויניח התפילין. [יבי״א ח״ט סו״ס צד, ועי״ע ביבי״א ח״ג סי׳ ד אות א]

his biceps, wind it once or twice so that it does not come loose, and immediately turn to his *tefillin shel rosh*. After responding properly to the kaddish or *Kedusha*, he can go back to winding the strap seven times around his forearm as usual.[76] (Illustration № 54a)

It is wise to use forethought when putting on one's tefillin. If someone sees that he is likely to get caught in the middle of putting them on when the congregation is reciting kaddish or *Kedusha*, he should wait until after responding to it and then begin putting on his tefillin.[77]

76. Rabbenu Asher ruled that one must always put on the *tefillin shel rosh* before winding the strap around one's forearm. The *Arba'a Turim* and Maran in the *Shulhan Arukh* (25:11) both concurred with this ruling. This is not our custom, however. We follow the instructions of the Arizal to wind the strap seven times around the forearm before putting on the *tefillin shel rosh*. This has become the nearly universal custom, as explained below in halakha 57.

Based on this, when following the Arizal's instructions will cause one to lose the opportunity to respond to kaddish or *Kedusha*, one should postpone winding the strap until after putting on the *tefillin shel rosh*. The *Ma'amar Mordekhai* testified that he followed these instructions, and a number of *Aharonim* concurred with this. After all, it cannot be wrong to follow the ruling of Maran and gain the mitzvah of responding verbally to kaddish as well. Therefore, although we normally follow the Arizal's instructions and wind the strap around the forearm first, when it becomes necessary we should rely on Rabbenu Asher's opinion and postpone the act of winding the strap until afterward. The *Ma'amar Mordekhai*, cited in the *Mishna Berura* (25:38), concurred with this, as long as one winds the strap sufficiently to prevent it from coming loose. See the *Kaf Hahayim* Sofer (25:70).

Harav Eliyahu Mani (*Ma'ase Eliyahu* #297) disagreed with this, insisting that it is important to wind the strap seven times around the forearm even if it means losing the opportunity to respond verbally to kaddish or *Kedusha*. Therefore, one must wind the strap as usual, and if one does not succeed in putting on the *tefillin shel rosh* before the congregation begins the kaddish, one should listen to it without responding verbally.

Maran the Rishon Letziyon (*Yalkut Yosef* first edition, page 32) refuted this ruling, explaining that it runs counter to that of the overwhelming majority of *Poskim*. Therefore, one should feel comfortable following the ruling of Rabbenu Asher and Maran and gaining the opportunity to respond to kaddish verbally. This is likewise the ruling of the *Kaf Hahayim* Sofer (25:70). Nevertheless, Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #94) ruled that if someone sees that this situation is likely to arise, he should postpone beginning to put on his tefillin until after the kaddish or *Kedusha*.

Enough to hold the *tefillin shel yad* in place

Although Rabbenu Asher and Maran ruled that one must put on the *tefillin shel rosh* immediately after tightening the strap of the *tefillin shel yad* around one's arm, the *Ma'amar Mordekhai* cited in the *Mishna Berura* (25:38), and Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #94), pointed out that even when following this formula, it is necessary to ensure that the *tefillin shel yad* will remain fastened to one's arm until one finishes putting on the *tefillin shel rosh* and then go back to wind the strap of the *tefillin shel yad* seven times around one's forearm. The *Yalkut Yosef* (page 373) explained that this can be accomplished by winding the strap around one's forearm once or twice. Alternatively, he explained, one can pull the strap directly to one's hand and hold it in place between one's fingers. Of course, one should not wind the strap around one's finger until after putting on the *tefillin shel rosh*, following the ruling of the *Peri Etz Hayim* cited in the *Yafe Lalev* (Vol. I, 23).

77. This is the ruling of Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #94). Also, in Vol.

נה. יש אומרים שהשומע ברכת תפילין מחבירו, והוא נמצא בין הנחת תפילין של יד לתפילין של ראש, יענה "אמן" אחריו, שכיון שהוא מענין התפילין הוי כדין "גביל לתורי" שאינו נחשב הפסק (וכמבואר לעיל הלכה מ"ג). ויש חולקים וסוברים שלא יענה אפילו אמן של ברכת תפילין, שגם זה נחשב הפסק. ושב ואל תעשה עדיף, ולא יענה "אמן". [ילקו"י מהדו"ק עמ' לב]. ובדיעבד שעבר וענה "אמן", לא יחזור לברך על תפילין של ראש, דספק ברכות להקל.

Day 29

Responding Amen to *lehani'ah*

55) Some *Poskim* ruled that if someone is in the midst of putting on his tefillin and he hears another person recite the blessing of *lehani'ah tefillin*, he may respond Amen to that blessing although he has not yet put on his *tefillin shel rosh*. The basis for this halakha is that responding Amen to a blessing recited over the mitzvah of tefillin cannot be considered an interruption in the act of putting on tefillin. Other *Poskim* disagreed, arguing that responding to someone else's blessing has nothing to do with the first person's mitzvah of putting on tefillin.

Since this matter is disputed, it is best to refrain from any action, and not to respond Amen. If someone responded Amen in this case, however, he must not recite an additional blessing. This is based on the principle of *safek berakhot lehakel*.[78]

III, #4, Maran the Rishon Letziyon wrote: "Although the halakha permits one to respond verbally to kaddish or *Kedusha* while putting on tefillin 'of Rabbenu Tam,' it is best to avoid such a situation. If someone realizes that the congregation is about to begin kaddish or *Kedusha*, he should not begin putting on his tefillin 'of Rabbenu Tam' until after the congregation finishes. It is incorrect to put on tefillin 'of Rabbenu Tam' purposely in a situation when one will be forced to interrupt verbally before finishing. After all, some *Aharonim* ruled that it is forbidden to interrupt at all. Why should anyone wish to place himself in a situation where he might be doing the wrong thing?"

In fact, Maran the Rishon Letziyon added that one should avoid losing the opportunity to respond *Barukh Hu uvarukh Shemo* while putting on one's tefillin. If so, it is certainly critical not to lose the opportunity to respond to kaddish or *Kedusha*. Therefore, whenever there is the likelihood of losing such an opportunity one should postpone putting on one's tefillin for the moment.

78. The responsa *Panim Me'irot* (Vol. I, #59) stated that one should respond Amen to this blessing even if one has not yet put on the *tefillin shel rosh*. It is forbidden to respond to kaddish or *Kedusha* since that has nothing to do with the mitzvah of tefillin, and the halakha demands that the mitzvah of putting on tefillin be done as if in one act, as Rabbenu Nissim explained in his commentary to *Rosh Hashanah*. Responding Amen to this blessing, thereby affirming that God commanded us to perform this mitzvah, is not considered an interruption at all. The *Bet Hamelekh* and *Artzot Hahayim* concurred with this ruling.

The responsa *Devar Shemuel* Abohab (#142), however, ruled that it is forbidden to respond Amen to the other person's blessing since it is not related to his own mitzvah of putting on tefillin. If someone did respond Amen, however, it is not necessary for him to recite an additional blessing when putting on the *tefillin shel rosh*. Most *Aharonim* (*Yad Yitzhak*, *Bet She'arim*, *Tehilla leDavid*, *Me'at Mayim*, *Kaf Hahayim* Palachi 18:1, *Igrot Moshe*, Harav Avraham Hayim Na'eh) concurred with this ruling. Maran the Rishon Letziyon (*Yalkut Yosef* first edition, page 32) followed this tradition, adding that the *Zekhor leYitzhak* agreed that if someone responded Amen to this blessing he does not need to recite any additional blessing, although he ruled that another blessing is necessary if someone responded to kaddish or *Kedusha*. Maran the Rishon Letziyon repeated this ruling in responsa *Yabia Omer* (Vol. IX, #82:1).