

The question of whether talis should be donned before or after tefillin is discussed in the book **Shaagas Aryeh Hamforash** (Hotzaas Fisher, page 123, siman 48). This book was authored in 1991 by **Shmuel Blaamr(?)** a grandchild of **Chaim miVolozhin** about the rulings of the **Shaagas Aryeh (SA)**.

Shaagas Aryeh's (SA's) real name was **Aryeh Leib ben Asher**. He was born in **Lithuania** in 1695 and was av bes din of **Mitz**. He became rosh yeshivah in **Minsk** at age 36. In 1850, he moved to **Volozhin Belarus** when it was a small and unrenowned village where he wrote his book **Shaagas Aryeh**. He served in **Volozhin** when the famous **Chaim miVoloshin** was born.

SA concludes that you may don a talis either before or after tefillin as you wish, based on the following considerations:

REASONS FOR AND AGAINST DONNING TALIS BEFORE TEFILLIN

SA notes 3 reasons poskim give for talis to precede tefillin:

- 1) Talis is as worth all other mitvos (*shkulah kneged kol hamitzvos*)
- 2) Talis is worn more often than tefillin (*tadir adif*)
- 3) We increase holiness (*ma'alim bakodesh*)

SA notes 2 reasons for tefillin to precede talis:

- 4) A holier item precedes a less holy item (*mekudash kodem*).
- 5) The opportunity to don tefillin occurs before the opportunity to don talis (*ain ma'avirin al hamitzvos*).

SA notes 2 reasons for no halachic preference whether to don talis before or after tefillin:

- 6) Where one item is more *mekudash* (in this case tefillin) and the other is more *tadir* (in this case talis according to a minority of poskim), there is no halachic preference which comes first.
- 7) Where one of the mitzvahs (in this case talis) is voluntary (*matsui*), either can be done first.

REASON 1

SA cites **Nemukai Yosef** as citing **Rabainu Yona** as teaching that talis precedes tefillin because talis is equal to all the mitvos (*shkulah kneged kol hamitzvos*).

SA counters that **Rabainu Yona's** criterion of basing precedence on *shkulah* is only from **Rabainu Yona's** personal logic ("*svara b'alma*"), and therefore cannot overcome the Torah-based criteria of basing precedence on *tadir* and *mekudash* which (as SA explains below) favor donning tefillin first.

SA further counters that **Rabainu Yona's** criterion of basing precedence on *shkulah* should not apply in this case where the talis mitzvah is voluntary (*matsui*) by Torah (as explained below).

REASON 2

SA quotes **Nemukai Yosef** as citing **Rabainu Yona** that talis precedes tefillin based on *tadir adif*, since talis is worn more often than tefillin.

SA disagrees, explaining that even though talis is normally practiced more often than tefillin, *tadir adif* is more dependent on when the mitzvah is applicable according to Torah (d'oraisa). And talis is applicable *d'oraisa* less often than tefillin, because most poskim hold the *mitzvah d'oraisa* of talis does not apply at night whereas the *mitzvah d'oraisa* of tefillin applies both day and night. (Tefillin is prohibited at night only by rabbinic decree to prevent dozing off with them on.)

SA goes even further by stating that *tadir adif* is even more dependent on when the *mitzvah d'oraisa* is required to be performed. And talis is never required to be performed, since it is a *mitzvah matsui* in that it is required only when a man wears a 4-corned garment, which a man is never required by Torah to wear. (**SA** brings proof for this from **Meseches Zvachim** 89, in which Rava notes that although the mitzvah to sacrifice a *shlamim* offering applies every day when it is pledged, it is not *tadir* but is instead *matsui* since there is no requirement to pledge it.)

REASONS 3

SA cites **Shulchan Aruch** (Orach Chaim 25:1) as teaching talis precedes tefillin because *ma'alin bakodesh*. **SA** says he is surprised that **Shulchan Aruch** said this, since the concept of *ma'alin bakodesh* does not mean we don a more holy item after a less holy item. It instead means we may convert a less holy item into a more holy item, such as (per Talmud chapter **Hakometz Raba**) we may convert *tefillin shel yad* (which is less holy) to *tefillin shel rosh* (which is more holy) and not vice versa.

Mois Navon (ASIC Dept. Project Manager at Mobileye, lives in Efrat, ordained at Mercaz Harav Yeshivah) pointed out to me (Mitchell Rose) the following: **Pri Megadim Eshel Avraham** (on Shulchan Aruch, Orach Chaim, siman 25, sif 1) notes that **Shulchan Aruch** borrowed this reasoning from **Mahari Vail** (Dinim Vahalachos, siman 2) and did not even mention it in his prior book **Bais Yosef. Bai'ur Hagra** (Orach Chaim 25:1) notes that the Zohar expands on this reason by explaining tefillin is like man and talis is like a chair. **Bai'ur Halacha** (Orach Chaim 25:1) expands on this reason by explaining that talis only covers one in mitzvah, whereas tefillin ties a person to unity and holiness.

REASON 4

Meseches Zvachim 89 teaches the concept that a holier item is donned before a less holy item (*mekudash kodem*). And tefillin is holier than talis, since **Meseches Megilla** 26 states talis may be discarded, whereas tefillin needs gezizah.

REASON 5

SA cites **Nemukai Yosef** as stating the opportunity to don tefillin starts before the opportunity to don talis. That is because the most efficient time to don tefillin is before the jacket is on, and the most efficient time to don a talis is after the jacket is on. Due to the concept of not postponing a mitzvah (*ain ma'avirin al hamitzvos*), it is improper to postpone donning tefillin until after the jacket and talis are on.

I (Mitchell Rose) note that this reasoning is illustrated by the fact that it is much harder to don tefillin after talis, since doing so requires (1) a struggle to keep tefillin straps from getting tangled with talis strings, and (2) a struggle to balance the talis on top of the jacket while removing the jacket sleeve.

REASON 6

SA cites **Meseches Zvachim** 89 as teaching where one item is more *tadir* and the other is more *mekudash*, the amoraim were unsure which takes precedence. Therefore, **Rambam** (Hilchos Temidin, chapter 9) states that, in such a case, there is no halachic preference as to which comes first; you may don whichever one you want first. Therefore, even according to the opinion of the minority of poskim that talis is *tadir*, there is no halachic preference which comes first.

SA cites **Taz** (Orach Chaim, siman 681) as holding that since, where one item is more *tadir* and the other is more *mekudash*, the amoraim did not know which takes precedence, then the more *tadir* should precede since *tadir kodem* is a Torah concept. **SA** was surprised at **Taz** for two reasons: 1) **Taz's** holding disagrees with the **Rambam** (who says either item may precede), and 2) *mekudash kodem* is a Torah concept too (as indicated near the end of *Meseches Horios*).

REASON 7

SA notes that donning a talis is a *mitzvah matsui*, in that it is voluntary since there is no requirement for a man to wear a 4-cornered garment. Therefore, like any voluntary good deed, a person may don talis whenever he wants -- before or after tefillin. **SA** believes this Reason 7 negates Reasons 1-6 above, since they are all based on the assumption that donning a talis is a Torah requirement.

OTHER COMMENTS

The author of **Shaagas Aryeh Hamforash** cites multiple gedolim who disprove each of **SA's** points. However, the author states that some gedolim nevertheless agree with **SA's** conclusion that tefillin may precede talis.

Mois Navon pointed out to me (Mitchell) that R Mansour (www.dailyhalacha.com/m/halacha.aspx?id=504) cites three sfardik poskim -- Ben Ish Chai, Kaf HaChaim and Ovadia Yosef -- as holding opposite of **SA**. They hold that it is so critical for talis to precede tefillin that if one accidentally grabbed tefillin before talis, he should put the tefillin down and don the talis first.