

The Sanctity of Tefillin

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תפילין של ראש, אין עושין אותה של יד, ושל יד, עושין אותה של ראש-- לפי שאין מורידין מקדושה חמורה, לקדושה קלה. וכן רצועה של תפילין של ראש, אין עושין אותה לתפילין של יד. במה דברים אמורים, בשלבשן; אבל תפילין של ראש שלא לבשה אדם מעולם, אם רצה להחזירה ליד, מותר. (הלכות תפילין ג:יז)

A head *tefillah* may not be made into an arm *tefillah*, but an arm *tefillah* may be made into a head *tefillah*, because an article should not be lowered from a higher level of holiness to a lesser one. Similarly, the strap of a head *tefillah* should not be used for an arm *tefillah*. When does the above apply? After one has worn them. However, if head *tefillin* have never been worn, one may make them into arm *tefillin*. (*Hilchos Tefillin* 3:17)

Rambam gives no explanation as to why the תפילין של ראש has a higher level of holiness, קדושה, than תפילין של יד.¹ The standard explanation is that including the straps (רצועות), the ראש של ראש has two letters of G-d's name, שד-י, while the יד של יד has only one.² However, the Brisker Rav points out that according to Rambam the knot of the ך in the straps of the ראש של ראש is not meant to represent a letter but merely is in the form of a ך.³ While the requirement of this knot as well as of the ש embossed in the ראש של ראש is a *Halachah LeMoshe MiSinai*, the knot of the ך was apparently instituted at a later date, and there is no Torah law⁴ to make the שם שד-י with the body of the *tefillin*. Why then is the תפילין של ראש of a higher קדושה?

¹ The Talmudic source is TB *Menachos* 34b.

² See *Rabbenu Manoach* (*Hilchos Tefillin*, *ibid.*). The שם שד-י is made up of the ש on the ראש של ראש, the ך made of the knot on the ראש של ראש and the ך in the knot of the יד של יד.

³ *Chiddushei Maran Rit'z HaLevi*, *Hilchos Tefillin* 3:16.

⁴ Nor apparently even a Rabbinic law, but rather a Geonic custom.

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To answer this question, we need to explore the nature of קדושת תפילין and קדושה in general.

The קדושה of Objects

Rambam speaks of קדושת תפילין in two other places:

חייב אדם למשמש בתפיליו, כל זמן שהן עליו, שלא יסיח דעתו מהן, אפילו רגע אחד--שקדושתן גדולה מקדושת הציץ: שהציץ אין בו אלא שם אחד; ואלו יש בהן אחד ועשרים שם של יוד הא בשל ראש, וכמותן בשל יד.
A person should touch his *tefillin* [from time to time] during the entire time he is wearing them, so that he will not divert his attention from them even for a single moment, for their holiness surpasses that of the *tzitzit*. The *tzitzit* has G-d's name [written] upon it only once, while the head *tefillin* and, similarly, the arm *tefillin*, contain the name יהוה-וה-וה 21 times. (ibid. 4:14)

Here we see that the source of קדושת תפילין is the שמות, the names of G-d, that are written in the *parshiyos*. Thus, in general, it would seem that קדושה pertaining to objects emanates from the presence of the שם, and *parshiyos* of the Torah in *mezuzos* and *tefillin* are the sources of their קדושה.

קדושה most prominently emanates from the actual Presence of השם, the Holy Presence. We are commanded to build a בית המקדש with the words “Make for me a *Mikdash* that I may dwell amongst them” ועשו לי (שמות כה:ח). *The Beis HaMikdash* is to be perceived as a resting place for the שכינה, the Holy Presence. Rambam explains of our relationship to the *Mikdash*:

מצות עשה ליראה מן המקדש, שנאמר "ומקדשי תיראו (ויקרא יט:ל; ויקרא כ:ב) ולא מן המקדש אתה ירא, אלא ממי שציווה על יראתו.
There is a positive commandment to hold the Temple in awe (ליראה), as [Leviticus 19:30] states: “And you shall revere my Sanctuary.” Nevertheless, it is not the [physical building of] the Temple which must be held in awe, but rather, He Who commanded that it be revered. (*Hilchos Beis HaBechirah* 7:1)

While the fear of the *Beis HaMikdash* is an independent mitzvah, it is ultimately a command to experience fear of G-d. Since the *Mikdash* is identified as the resting place of G-d's Presence, the purpose of the mitzvah is to increase the awe of G-d; in fact, the קיום המצוה, the fulfillment of the mitzvah, is feeling that one is in the presence of G-d.

Likewise, the written שם serves as a representation of G-d's Presence and this is why קדושה emanates from it. Thus included in the prohibition of destroying the names of G-d⁵ is the destruction of even a stone of the *Beis HaMikdash*, as Rambam⁶ defines this *lav* of destroying the name of G-d as שמו עליהם. “Do not destroy the things in which His name is associated.” In addition, the Torah tells us and *Chazal* interpret this to mean “where the שם is permitted to be said⁷ there G-d's blessing will be felt.”⁸ The spoken name of G-d also has קדושה and ushers in the Presence of G-d.

The קדושה of Space

In the *Sefer HaMitzvos* (*lav* 65) Rambam describes this *lav* as שהזהירנו מנתון ומאבד בתי עבודת הקל ומאבד ספרי הנבואה ומלמחוק השמות הנכבדים לזה, והדומה לזה, “We are warned against destroying the houses of G-d, and the books of prophecy and from erasing the honored names or similar things.” Significantly, in his *Sefer Mitzvos Katan*⁹ Rambam explicitly includes בתי כנסיות ובתי מדרשות and clearly this is his intent in the *Sefer HaMitzvos* in the term בתי הקל. There is much discussion and disagreement in the commentaries on what the source of הכנסת בית קדושת is. Rav Soloveitchik, ז”ל,¹⁰ links it to *Sefer Yechezkel* where they are referred to as מקדש מעט. In turn he finds the source of קדושת מקדש and of all the encampments, מחנות, in the *luchos*:

The Ark was placed on a stone in the western portion of the Holy of Holies. The vial of manna and Aharon's staff were placed before it. When Solomon built the Temple, he was aware that it would ultimately be destroyed. [Therefore,] he constructed a chamber, in which the Ark could be entombed below [the Temple building] in deep, maze-like vaults. King Josiah commanded that [the Ark] be entombed in the chamber built by Solomon, as it is said (II Chronicles 35:3): “And he said to the Levites who would teach wisdom to all of Israel: ‘Place the Holy Ark in the chamber built by Solomon, the son of David, King of Israel. You will no [longer] carry it on

⁵ פרק ו מהל" יסדה"ת

⁶ כותרת להל" יסדה"ת

⁷ *I.e.*, where it can be said ככתבו, during ברכת כהנים and יום הכפורים.

⁸ See *Hakirah* 27 שם המפורש במקרא ובהלכה.

⁹ In the introduction to *Mishneh Torah*.

¹⁰ See *Morenu* Rav Hershel Schachter's *Eretz HaZvi, siman* 12.

your shoulders. Now, serve the L-rd, your G-d.' When it was entombed, Aharon's staff, the vial of manna, and the oil used for anointing were entombed with it. All these [sacred articles] did not return in the Second Temple. (*Hilchos Beis HaBechirah* 4:1)

Rambam implies that it is the presence of the *luchos* that invests the *Mikdash* with קדושה and that in the Second Temple the *luchos* were present but beneath the ground. In that case, in the *Beis HaMikdash*, it is actually the physical connection to the שם that creates קדושה in the space surrounding it. That is why the Holy of Holies, קדש הקדשים, has the highest קדושה and all other levels of קדושה emanate from this center. Likewise, the קדושה of the *beis haknesses* stems from the *Sefer Torah* which is present in the היכל¹¹ of the shul. Rambam makes the point that the sanctity of the *Sefer Torah* is akin to the קדושה of the *luchos*.

It is a mitzvah to designate a special place for a Torah scroll and to honor it and glorify it in an extravagant manner. The words of the *Luchos HaBris* are contained in each Torah scroll. (*Hilchos Sefer Torah* 10:10)

Thus, the קדושה of *tefillin* is akin to the קדושה of the *Beis HaMikdash*, both stemming from the representation of G-d's presence, השם. The קדושה stems from the שמות in the *parshiyos* and extends to the בתים ורצועות.

While we speak of the שם, it is important to note that *Neviim* and *Kesuvim* are called כתבי קודש and this status is not dependent solely on the presence of the שם, as *Megillas Esther* does not have the שם. In the quote from the *Sefer HaMitzvos* above, Rambam refers to the prohibition of destroying *sifrei nevuah*. The word of G-d has קדושה; it too is a representation of G-d.¹²

The קדושה of Mitzvos

There is yet another source of קדושה. In *Mishneh Torah*, Rambam explains the naming of his *Sefer Kedushah* as follows:

The fifth book: I will include within it all the mitzvos that involve forbidden intimate relations and those that involve forbidden

¹¹ Note that the terminology of היכל is taken from the בית המקדש.

¹² I believe this is a very important point. Trying to define exactly what the status of כתבי קודש is, is difficult. But here in the *lav* of אבוד השם we see that there is a Torah definition for it and Torah legislation about it.

foods. [I have grouped the two together] because it is in these two matters that G-d has sanctified us and separated us from the [other] nations. [The Torah mentions the concept of holiness] with regard to both these matters, stating [Leviticus 20:24, 27]: “[I am G-d, your L-rd,] who has separated you from among the nations... and I have set you apart among the nations.” [Accordingly,] I have called this book *The Book of Holiness*. (Introduction to *Mishneh Torah*)

With regard to *arayos* and forbidden foods there are many prohibitions that extend over and above the seven Noachide principles of law, and this most clearly distinguishes us from other nations. קדושת ישראל is identified specifically with these mitzvos in which we exercise self-control and demonstrate that our focus is on satisfying the spiritual wants of man rather than his physical desires.

But more generally when the Torah states קדושים תהיו כי קדש אני ה' "Be Holy as I your G-d am Holy," Rambam interprets it as a command to keep all the mitzvos, as קדושה emanates from doing all of G-d's commands.

And [others] have already erred in this principle, such that they counted, “You shall be holy” (Leviticus 19:2), to be included among the positive commandments. And they did not know that “You shall be holy,” and “you shall sanctify yourselves and be holy” (Leviticus 11:44) are commands to keep the whole Torah. It is as if it said, “Be holy by doing everything I have commanded you and being careful about anything I have prohibited to you.” And the words of the Sifra (*Sifra, Kedoshim*, Section 1:1) are, “You shall be holy, you shall be separated—meaning to say, separate from all the disgraceful things that I have prohibited to you.” And in the *Mechilta* (*Mechilta d'Rabbi Yishmael* 22:30:1), “Issi ben Yehudah says, ‘When the Holy One, Blessed be He, originates a commandment for Israel, He adds holiness to them’”—meaning to say this command is not a command in itself, but rather follows from the commands that they have been commanded. So, one who fulfills this command will be called holy. And there is no difference between it saying, “You shall be holy,” or if it had said, “Do my commandments.” (*Sefer HaMitzvos, Shoresh* 4)

Man attains קדושה by performing all mitzvos, and in performing each individual mitzvah he sanctifies himself. With regard to the mitzvos related to the *Beis HaMikdash*, the mechanism of this process is obvious:

The object of the Sanctuary was to create in the hearts of those who enter it certain feelings of awe and reverence, in accordance with the command, “You shall reverence my sanctuary” (Leviticus

19:30). ... Our Sages, as is well known, said, “Even a clean person may not enter the Sanctuary for the purpose of performing Divine service, unless he takes previously a bath.” By such acts the reverence [for the Sanctuary] will continue, the right impression will be produced which leads man, as is intended, to humility. (*Moreh Ha-Nevuchim* 3:47)

Upon entering the *Beis HaMikdash* one is commanded to feel in the presence of G-d and the experience of having been in the *Mikdash* elevates the character of a person and hence sanctifies the person. But even when the mitzvah seems of the most mundane nature and unrelated to what we consider קדושה, it is still a necessary part of what makes Israel holy.

The קדושה of Man

In addition, since קדושה is a characteristic of G-d, therefore the command of והלכת בדרכיו, “emulating G-d,” specifically commands us to be קדוש as Rambam explains in *Hilchos Deos*:

ומצווין אנו ללכת בדרכים אלו הבינוניים, והם הדרכים הטובים והישרים, שנאמר "והלכת בדרכיו" (דברים כח:ט). כך לימדו בפירוש מצוה זו: מה הוא נקרא חנון, אף אתה היה חנון; מה הוא נקרא רחום, אף אתה היה רחום; מה הוא נקרא קדוש, אף אתה היה קדוש.

We are commanded to walk in these intermediate paths—and they are good and straight paths—as [Deuteronomy 28:9] states: “And you shall walk in His ways.” [Our Sages] taught [the following] explanation of this mitzvah: Just as He is called “Gracious,” you shall be gracious; just as He is called “Merciful,” you shall be merciful; just as He is called “Holy,” you shall be holy. (*Hilchos Deos* 1:5–6)

Later in *Hilchos Deos*, Rambam refers to the concept of קדושה in two places; once with regard to balancing carnal desires in accordance to what he stated with regard to the naming of *Sefer Kedushah*:

Although a man’s wife is permitted to him at all times, it is fitting that a wise man behave with holiness. He should not frequent his wife like a rooster. (*Hilchos Deos* 5:4)

In the other place he mentions it, it is with regard to the content of one’s speech:

One should always cultivate silence and refrain from speaking, except with regard to matters of knowledge or things that are necessary for his physical welfare. It was said that Rav, the disciple of *Rabbenu HaKadosh*, never uttered an idle word in all his days—

which is what the conversation of most people consists of. One should not speak at length even about matters involving one's physical needs. On this point, our Sages commanded us and said: "Whoever speaks at length brings on sin." They also said: "I have found nothing better for one's person than silence." (*Hilchos Deos* 2:4)

By referring to Rebbe as *Rabbenu HaKadosh*, Rambam links the concept of קדושה to the content of one's speech, hence the content of one's thoughts.

Accordingly, in the second place Rambam speaks of קדושת תפילין, there is a different slant from the first place.

קדושת תפילין, קדושה גדולה היא: שכל זמן שתפילין על ראשו של אדם, ועל זרועו--הוא עניו וירא, ואינו נמשך בשחוק ובשיחה בטילה, ואינו מהרהר במחשבות רעות, אלא מפנה ליבו לדברי האמת והצדק. לפיכך צריך אדם להשתדל להיותן עליו, כל היום--שמצותן, כך היא. אמרו עליו על רב תלמיד רבנו הקדוש, שכל ימיו לא ראוהו שהלך ארבע אמות בלא תורה, או בלא ציצית, או בלא תפילין.

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. Accordingly, a person should try to wear [*tefillin*] throughout the entire day, for this is the mitzvah associated with them. Among the praises conveyed upon Rav, the student of *Rabbenu HaKadosh*, was that he was never seen walking four cubits without [reciting words of] Torah, without *tzitzit*, and without *tefillin*. (*Hilchos Tefillin* 4:25)

Rambam does not mean that the *tefillin* will automatically have this magical effect on the person wearing them,¹³ but rather psychologically wearing the *parshiyos* has this effect and more precisely *שמצותן כך היא* "that one is obligated to act this way while wearing them." The קדושה comes from the fact that when one wears *tefillin* he is obligated to act with קדושה, to feel G-d's presence. Rambam ends by referring again to "Rav, the student of *Rabbenu HaKadosh*," just as he did in *Hilchos Deos*, who "never uttered an idle word in all his days." The conduct and the attitude of the wearer injects the קדושה into the *tefillin*. The performance

¹³ As this runs counter to the philosophy of the Torah he expounds most clearly in *Moreh HaNevuchim*.

of the mitzvah of wearing *tefillin* is מקדש the wearer and he in turn is מקדש the *tefillin* themselves.

In general, the act of being מקדיש an object means designating an item for use in the *Beis HaMikdash* for the service of G-d. So clearly, man can create קדושה with his speech. Man builds the *Beis HaMikdash* and sanctifies its space. Man is also in charge of the calendar and hence is מקדש the *yamim tovim* via his דעת, his thoughts, and it is a mitzvah for him to do so. Mitzvos were given to us because in their performance we become קדוש and conversely in our performance of these mitzvos we sanctify time, space, and matter.

של ראש ושל יד

In this halachah, Rambam characterizes one's being, while wearing *tefillin*, as being composed of two parts: "(1) He will not turn his thoughts to evil matters, but rather (2) will direct his heart to words of truth and justice." There is an element of the mind and of the heart. The תפילין של ראש are placed next to the brain and the של יד next to the heart.

The arm [*tefillin*] should be tied to one's left arm at the muscle, i.e., the bulging flesh of the arm between the shoulder and the elbow. Thus, if one presses his arm to his ribs, the *tefillah* will be opposite his heart, thus fulfilling the directive [Deuteronomy 6:6], "And these words... shall be upon your heart." (*Hilchos Tefillin* 4:2)

The תפילין של יד is meant to impact the emotions and the character of the wearer which are related to the heart, the seat of one's emotions. This corresponds to perfection of the body (*sblemus haguf*), the central theme of *Hilchos Deos*.¹⁴ The של ראש is placed next to the brain "the place where a child's brain [can be felt] to pulsate" (*Hilchos Tefillin* 4:1), in order to impact one's intellect (*sblemus hanefesh*), the central theme of *Hilchos Yesodei HaTorah*. Or from another vantage point, the של יד gets its קדושה from the heart and של ראש from the head. Thus, the תפילין של ראש are on a higher level than של יד because it is placed on the head, the intellect being superior to emotion.¹⁵ This also explains why this higher תפילין של only emerges once the *tefillin* have been worn, with the תפילין של

¹⁴ See *hakdamah* to *Perush HaMishnah*. The purpose of the mitzvos is to create a man with שלמות הגוף ושלמות הנפש with the שלמות הנפש being the highest attainment and ultimate goal.

¹⁵ This is why *Hilchos Yesodei HaTorah* precedes *Hilchos Deos* in *Mishneh Torah*.

ראש getting its added קדושה from actually having been placed on the head.¹⁶

The halachic relationship between the של ראש and the של יד is unique. Each is a separate mitzvah in the *taryag* and each can be performed without the other and has a distinct *nusach* for its *berachah*. The Torah dedicated one mitzvah for binding the heart and another mitzvah for the binding of the mind.

The [absence of the] head *tefillah* does not preclude [wearing *tefillin*] on the arm, and similarly, the [absence of the] arm *tefillah* does not preclude [wearing *tefillin*] on the head. They are two mitzvos, each one to be considered independently. What blessings are recited? On the head *tefillin*, one recites: “[Blessed are You...] Who has sanctified us with His commandments and commanded us concerning the mitzvah of *tefillin*.” On the arm *tefillin*, one recites: “[Blessed are You...] Who has sanctified us with His commandments and commanded us to put on *tefillin*.” (*Hilchos Tefillin* 4:4)

Yet when worn together as is the norm they are to be put on with only one *berachah* covering both and must be donned in the proper order of של יד before של ראש. Moreover, the unusual halachah exists, that there is an order in which the *tefillin* must be removed—the reverse order from how they are put on, with the של ראש being removed first.^{17,18}

One other halachah is especially intriguing. There must be no speech between the donning of the של יד and the של ראש and Rambam refers to it as the Gemara does, as a sin, עבירה, to speak.¹⁹ The Talmud singles it out as a sin that should cause a soldier at war to leave the front lest he perish because of it.²⁰ There must be a continuous progression from the connection to the Creator with one’s heart to that of the mind. Perfection of character is a prerequisite for perfection of knowledge as Rambam explains in the introduction to *Perush HaMishnah*.

¹⁶ This is independent of whether מילתא הזמנה מילתא.

¹⁷ במה דברים אמורים, בשהניח אחת מהן; אבל אם הניח שתיהן--מברך ברכה אחת, להניח תפילין, וקושר של יד תחילה, ואחר כך מניח של ראש. וכשהוא חולץ, חולץ של ראש תחילה, ואחר כך חולץ של יד (ד:ה).

¹⁸ We will return to this point later.

¹⁹ מי שבירך להניח תפילין וקשר תפילין של יד--אסור לו לספר, ואפילו להשיב שלום לרבו, עד שיניח של ראש; ואם שת, הרי זו עבירה, וצריך לברך ברכה שנייה על מצות תפילין, ואחר כך מניח של ראש (ד:ו).

²⁰ Whereas there are several explanations of what the sin is, the fact that the sin is only for speaking and that this halachah is comparable to the language of interrupting in *tefillah* and *Krias Shema* indicates our understanding.

Rambam does not bring this halachah of the Talmud that one should not engage in battle if he has committed the sin of speaking between putting on the two *tefillin*, but rather ends the chapter on engaging or refraining from battle with these words that reflect the concept that the Gemara formulates with this halachah:

To whom does the phrase “Is there a man who is afraid or faint-hearted?” refer? The phrase should be interpreted simply, as applying to a person whose heart is not brave enough to stand in the throes of battle. Once a soldier enters the throes of battle, he should rely on the Hope of Israel and their Savior in times of need. He should realize that he is fighting for the sake of the oneness of G-d’s Name. Therefore, he should place his soul in His hand and not show fright or fear. He should not worry about his wife or children. On the contrary, he should wipe their memory from his heart, removing all thoughts from his mind except the war. (*Hilchos Melachim* 7:15)

The heart must propel the soldier forward and his intellect must grasp that he is fighting for *יחוד שמו*, “for the sake of the oneness of G-d’s Name.” The wearing of *tefillin* is meant to create soldiers with this make-up.

Tefillin and the Beis HaMikdash

We have drawn an analogy between *tefillin* and the *Beis HaMikdash* in that their *קדושה* stems from the representation of G-d’s presence. And, in fact, *parshiyos* of the Torah are at the core of each structure. With regard to the *Beis HaMikdash* there is a specific mitzvah of *yirah*—*מורא* *המקדש*—which in reality is a mitzvah to be in a state of *yirah*, feeling the presence of G-d. So too, for one wearing *tefillin* Rambam describes the state of *yirah* to which one must aspire. While no separate mitzvah is defined, this *yirah* is a part of the mitzvah itself.

With regard to *Mikdash*, there are laws related to physical conduct. “How is reverence for it manifest? A person should not enter the Temple Mount holding a staff, or with sandals on his feet, or wearing only underwear, with dust on his feet, or with money wrapped in his kerchief” (*Hilchos Beis HaBechirah* 7:1). These halachos parallel the concept that the body must be physically pure, *גוף נקי*, while wearing *tefillin*.²¹

²¹ תפילין צריכין גוף נקי כאלישע (ו:ד).

Laws governing the state of mind while in the *Mikdash*,²² are paralleled by laws governing the state of mind one must have while wearing *tefillin*.²³

There is a prescribed way for entering the *Mikdash* and leaving it:

All who enter the Temple Mount should [face] the right side, walk around [in that direction], and leave on the left side. ... Anyone who has completed his service [in the Temple and desires] to leave, should not [turn around and] leave with his back to the Temple. Rather, he should walk backwards slightly and [then], walk slowly, and [turn] to his side until leaving the Temple Courtyard. Similarly, the members of the priestly watch, the representatives of the Jewish people, and the Levites [when they descend] from their platform, should leave the Temple in this manner, similar to one who steps backwards after his prayers. All these [are expressions of] reverence for the Temple. (*Hilchos Beis HaBechirah* 7:3–4)

This parallels the requirement, that we noted earlier, that the תפילין *יד של יד* be placed first while the reverse order should be followed while removing *tefillin*. One proceeds from a lower state to a higher state of קדושה by putting on the ראש and then backs away from it by removing the ראש של ראש before the יד של יד.

The Zohar, in fact, states (1:129) that when we wear *tefillin* we create a *Beis HaMikdash* in our own bodies. Perhaps the term בית was chosen by *Chazal* to describe the containers of the *parshiyos* of *tefillin* because of this parallel. We noted earlier that the קדושה in the *Beis HaMikdash* emanates out from its core, the *luchos* in the Holy of Holies, קודש הקדשים. The outer areas have reduced levels of קדושה extending throughout *Yerushalayim*. With *tefillin* as well, the קדושה from the *parshiyos* extends to the בתים ורצועות. But more than that, halachos govern the storage of *tefillin*²⁴ and the containers that the *tefillin* are stored in also attain a level of קדושה, from the time they are prepared to be used for *tefillin*.²⁵

²² לא יקל אדם את ראשו כנגד שער מזרחי של עזרה, שהוא שער ניקנור--מפני שהוא מכוון כנגד קודש הקדשים. וכל הנכנס לעזרה--יהלך בנחת במקום שמותר לו להיכנס לשם, ויראה עצמו שהוא עומד לפני האדון ה' שאמר "והיו עיניי וליבי שם, כל הימים" ומהלך באימה ויראה ופחד ורעדה, שנאמר "בבית אלוקים, נהלך ברגש" (תהילים נה, טו) (הל' בית הבחירה ז:ה).

²³ שכל זמן שתפילין על ראשו של אדם, ועל זרועו--הוא עניו וירא, ואינו נמשך בשחוק ובשיחה בטילה, ואינו מהרהר במחשבות רעות, אלא מפנה ליבו לדברי האמת והצדק.

²⁴ See *Hilchos Tefillin* 4:8–9

²⁵ This halachah of קדושה תשמישי applies as well to *Sefer Torah* but not to *mezuzah*.

Guarding the *Mikdash*

A separate mitzvah in the *taryag* calls for the guarding of the *Mikdash*:

There is a positive mitzvah to guard the Temple. [This mitzvah applies] even though there is no fear of enemies or thieves, for the guarding [of the Temple] is an expression of respect for it. A palace with guards is [much more impressive] than a palace without guards. The mitzvah of guarding [the Temple] applies throughout the night.

The priests and Levites shall serve as guards... The priests on watch did not sleep in the priestly garments. Instead, they folded them, placed them at their heads, and wore their own clothes. They slept on the ground. It is customary for all those who stand watch over the courtyards of kings not to sleep on beds... If one of them had a seminal emission [in his sleep], he would proceed down the winding underground stairwell. [There was no prohibition involved], because the underground passageways that opened up to [the portion of] the Temple Mount [outside the Courtyard] were not consecrated. [There,] he would immerse himself. [He would then] return and sit among his fellow priests until the gates were opened in the morning. [At that time,] he would leave and proceed [to his own affairs]. (*Hilchos Beis HaBechirah* 8:1–7)

The mitzvah of guarding, שמירה, is at night. And interestingly, while the Leviim who watched outside the *Mikdash* were disciplined if they fell asleep, the Kohanim actually slept at night and apparently were still considered to have been engaged in the mitzvah of שמירה.

Tefillin, as well, has a mitzvah of שמירה:²⁶

The time for wearing *tefillin* is the day and not the night, as [Exodus 13:10] states: “And you shall observe this statute in its appointed time, from day to day.” “This statute” refers to the mitzvah of *tefillin*. Similarly, Sabbaths and holidays are not days on which *tefillin* [are worn], as [Exodus 13:9] states: “And they shall be a sign for you.” Since the Sabbaths and the holidays are themselves signs, [the sign of *tefillin* is unnecessary]. When does the time to put them on begin? When one can see a colleague standing four cubits away and recognize him. [It continues] until sunset. It is permitted for a person who put on *tefillin* before sunset to continue wearing them after nightfall. They may even remain upon him the entire night. This

²⁶ As with its mitzvah of יראה it is not an independent mitzvah but a part of the mitzvah of *tefillin*.

law, however, is not to be taught in public. Instead, everyone should be taught not to wear *tefillin* at night and to remove them before sunset. A person who puts on *tefillin* after sunset transgresses a Scriptural prohibition, as [implied by Exodus 13:10]: “And you shall observe (ושמרת) this statute... from day to day.” (*Hilchos Tefillin* 4:10–11)

Here we have another parallel to *Mikdash*. Firstly, just like *avodah* cannot be done at night, so too the *mitzvas tefillin* cannot be done at night. Secondly, in place of *avodah*, the mitzvah pertaining to *Mikdash* at night is שמירה. Likewise, by *tefillin*, there is a concept of שמירה of *tefillin* at night.²⁷ It would seem that leaving the *tefillin* vulnerable at night is a violation of *mitzvas tefillin*. That this is the proper interpretation is made clearer in the next halachah.

When a person is wearing *tefillin* in the midst of a journey and the sun sets, marking the commencement of the Sabbath, he should cover them with his hand until he reaches his home, and then remove them. If he is sitting in the house of study and the sun sets, marking the commencement of the Sabbath, he should cover them with his hand until he reaches his home, and then remove them. If there is a house located near the wall [of a city] where they would be safe, he should place them there. If, however, he did not remove his *tefillin* after sunset because he did not have a place where they would be safe, it is permissible for him to continue wearing them in order to protect them. (*Hilchos Tefillin* 4:12)

Our concern is for the physical safety of the *tefillin*.²⁸ Just like the *Beis HaMikdash* needs protection at night which is not the time of the mitzvah of *avodah*, so too *tefillin* need protection at that time when there is no fulfillment of the mitzvah of wearing them. Ideally, the שמירה is done by storing the *tefillin* in a safe place when it is not worn, but if there is no safer place than remaining on one's body this option is to be taken. The fact that we legislate how the *tefillin* are stored also suggests that this is the proper interpretation.²⁹

²⁷ קיום מצוה.

²⁸ This is how the Brisker Rav learns while others explain these *halachos* differently.

²⁹ See *Hilchos Tefillin* 4:9. ואסור להשתמש, ואסור לתלות את התפילין, והניחן בו--נתקדש, ואסור לתלות את התפילין, בין ברצועה בין בתפילה עצמה; אבל תולה הוא בו בדברי חול... ואסור לתלות את התפילין, בין ברצועה בין בתפילה עצמה; אבל תולה הוא את הכיס שהתפילין מונחין בו.

The mere fact that the *tefillin* are presumed to be in a כלי is evidence that there is a physical requirement of שמירה of the *tefillin*.

The Public *Mikdash* and the Private *Mikdash*

All those who are exempt from the obligation to recite the *Shema* are exempt from the obligation to wear *tefillin*. If a minor knows [the importance of] guarding his *tefillin*, his father should obtain *tefillin* for him, to educate him regarding the performance of mitzvos. A person with stomach problems and anyone who can contain his excretory functions only with difficulty are exempt from the obligation to wear *tefillin*. [In contrast,] all those ritually impure (טמא) are obligated to wear *tefillin* like one who is pure. A person who suffers discomfort, or someone who is disturbed and cannot concentrate his thoughts, is exempt from the obligation to wear *tefillin*, since a person who wears *tefillin* is forbidden to divert his attention from them. Priests who are in the midst of [the Temple] service, Levites who chant on the platform, and Israelites while they are attending the Temple [ceremonies] are exempt from the obligation to pray and to wear *tefillin*. (*Hilchos Tefillin* 4:13)

Despite the strong similarity between the mitzvos of *tefillin* and *Mikdash*, there are also some surprisingly major differences. Let us begin with the statement at the end of this halachah. The act of *avodah* need not be done with *tefillin*.³⁰ Would not these two mitzvos be especially compatible and reinforcing, just as we find that *tefillin* is especially compatible with *tefillah*? As Rambam explains: “Although it is a mitzvah to wear [*tefillin*] throughout the entire day, it is most important during prayer. Our Sages declared: “Whoever recites the *Shema* without *tefillin* is considered as if he is giving false testimony.” (*Hilchos Tefillin* 4:26)

Rambam addresses this anomaly in this very same halachah. Seemingly out of place, he tells us that while engaged in *avodah* or ancillary functions in the *Mikdash*, one is also excused from *tefillah*. There is the physical, public *Mikdash* which has a physical form of *avodah* and a spiritual, private *Mikdash* of the heart, whose *avodah* is *tefillah*, worship of the

³⁰ In fact, the של יד cannot be worn because it makes a הפסק to the בגדי כהונה but why not the של ראש? Actually, a Kohen may wear *tefillin* של ראש but there is no mitzvah to do so. This is comparable to the halachah that one who has worn *tefillin* during the day may continue to wear them at night, yet this halachah was not publicized and was limited to the *chachamim*. Here, too, the Kohanim in the *Mikdash* were at a level where the *avodah* of *tefillin* could be done outside of its time (הל' כלי המקדש יו). In fact, the Kohen Gadol wears the של ראש, which we will discuss later.

heart— עבודה שבלב.³¹ Each operates in a separate realm. Thus, as we now turn to the beginning of this halachah we see that Rambam starts by tying the obligation of *tefillin* with *Krias Shema*, a form of inner intellectual *avodah*—*Yichud Hashem*. *Tefillah* and *Krias Shema*, mitzvos of the heart and the mind, are to be facilitated with the wearing of *tefillin* של יד and של ראש.

The halachah continues by stating that attaining the ability to guard, שומר, *tefillin* qualifies a child to wear them.³² With regard to *Mikdash* the father is to bring his son there as soon as he is physically able to hold his father's hand and ascend *Har HaBayis*; the experience of *Mikdash* and the fulfillment of the mitzvah of coming to the *Beis HaMikdash*, ראיית פני, is a physical and experiential one. *Tefillin* is an experience of the mind and requires the maturity and intellectual capability to perform שמירה.

Next comes another contrast. In *Mikdash* there is always a requirement of being ritually pure, טהרה. The Kohanim doing שמירה had to leave immediately with a seminal emission.³³ But by *tefillin* it is not a requirement at all, just as it is not a concern with *Krias Shema* or *tefillah*.³⁴ Instead, control of bodily functions is the measure. And this requirement goes past anything found in the *Beis HaMikdash*. Rambam explains “*Tefillin* require a clean body (גוף נקי); i.e., that one should be careful not to release gas while wearing them. Accordingly, it is forbidden to sleep while wearing them, neither a long sleep nor a nap.” (*Hilchos Tefillin* 4:15)

This requirement does not exist by *Mikdash*, and as we have noted above, even the mitzvah of שמירה can be performed while sleeping and there is no mention of the issue of גוף נקי. It is only an issue for the pri-

³¹ עבודה שבלב is referred to as עבודה שבלב. See *Sefer HaMitzvos, Aseh* 5 and *Hilchos Tefillah* 1:1.

³² Based on what we have established above, this is not שומר נקי but שומר תפילין.

³³ See *Hilchos Beis HaBechirah* quoted above, where Rambam makes this point in discussing the physical שמירה.

³⁴ כל הטמאים—חייבין בקריאת שמע, ומברכין לפני ולאחריה והן בטומאתן, אף על פי שאפשר להן לעלות מטומאתן בו ביום, כגון הנוגעים בשרץ או בנידה וזבה ומשכבן וכיוצא בהן. ועזרא ובית דינו תיקנו שלא יקרא בעל קרי לבדו משאר הטמאים, עד שיטבול; ולא פשטה תקנה זו בכל ישראל, ולא היה כוח לרוב הציבור לעמוד בה—לפיכך בטלה. וכבר נהגו כל ישראל לקרות בתורה ולקרות קרית שמע, והן בעלי קראין, לפי שאין דברי תורה מקבלין טומאה, אלא עומדין בטהרתן לעולם (הל' ק"ש ד:ח).

vate *Mikdash*.³⁵ While in the outer *Mikdash* the concern is with how the body interacts with the physical *Mikdash*, in the inner *Mikdash* our concern is with the inner workings of the body. Thus, the halachah continues that those in a state of pain or bewilderment may not enter the *Mikdash* of *tefillin*. It is the mind and heart that enters the *Mikdash*, thus, “it is forbidden to divert his attention from them,” אסור לו להסיח דעתו, as the mitzvah of מורא requires a constant state of consciousness.

Shabbos and *Tefillin*

Once we understand that the *avodah* designated for the *Beis HaMikdash* is irrelevant to *tefillin*, we can understand as well why *tefillin* are not worn on Shabbos. The *Mikdash* is sanctified space, קדושת מקום, and the *avodah* done there is physical and engages the body. On Shabbos one enters yet another *Mikdash*, the *Mikdash* not of space but of time, and here, too, as in the *Beis HaMikdash*, the major participant is the body. The *avodah* done on Shabbos is with “rest from work,” שביתה ממלאכה, coupled with acts of “honor and enjoyment,” כבוד ועונג, enjoyment of the body. In contrast, as we have explained, when one wears *tefillin*, he enters the *Mikdash* of the mind and all the *avodah* done there is with the mind.

Four things have been enjoined regarding the Sabbath: two on Biblical authority, and two on the authority of the Sages and clearly expressed by the Prophets. The Torah says: *Remember* (Exodus 20:8) and *Observe* (Deuteronomy 5:12); the Prophets clearly speak of *honor* and *enjoyment*, as it is written: “Call the Sabbath a delight, and the L-rd’s sacred day an honor” (Isaiah 58:13). What is meant by *honor*? The Sages explained this by declaring that each person should wash his face, hands, and feet with hot water on Friday in honor of the Sabbath, and then enwrap himself in a fringed garment and be seated with dignity in expectation of the Sabbath, receiving it as if he were coming out to meet the king. The ancient Sages used to assemble their disciples on Friday, put on their best clothes, and say: “Come, let us go out to meet King Sabbath.” We honor the Sabbath by wearing clean clothes. One must not wear weekday apparel on the Sabbath. But if he does not have [an additional set of clothing] to change, he should lower his garment, so that his [style of] dress is not like that of the week. And Ezra or-

³⁵ Probably no smell could be detected in the *Mikdash* where the strong smell of the *ketores* was meant to cover the less pleasant odors of animals being slaughtered as Rambam points out in the *Moreh HaNevuchim*.

dained that the people should wash their clothes on Thursday, on account of the honor of the [coming] Shabbos... What is meant by Sabbath enjoyment? The Sages explained this by declaring that one should prepare rich food and fragrant beverages for the Sabbath as much as he can afford. The more anyone spends for the Sabbath and the preparation of varied tasty food, the more praise he deserves. (*Hilchos Shabbos* 30:1–7)

Shabbos has a physical presence within time that Israel waits for after having prepared and adorned the body outwardly. The mitzvos with which we sanctify it are also related to the physical world. Although in refraining from work, it might seem that one is withdrawing from the physical world, this is not so. Refraining from work is coupled with enjoyment of the world and of the gifts of nature. Rest from work is a form of governing and directing the body away from toil and towards rest and enjoyment. The *kedushah* of Shabbos is similar to that of the *Beis HaMikdash* and wearing *tefillin* is not suitable for the *avodah* of either.

Kohen Gadol and Tefillin

Yet with regard to one halachah, the distinct domains of the *Beis HaMikdash* and *tefillin* converge. Whereas Kohanim in general did not wear *tefillin*, the clothes of the Kohen Gadol were specifically designed so that he would wear תפילין של ראש.

What is the order in which the priestly garments should be put on? [The priest] should put on the leggings first... Afterwards, he winds the headgear like a turban. He ties the forehead plate צִיץ [behind his head,] above the turban. His hair was visible between the forehead plate and the turban and it is in that place that he would wear his *tefillin* between the forehead plate and the turban. (*Hilchos Klei HaMikdash* 10:1–3)

It is understandable that the Kohen Gadol wore *tefillin* because his daily function was not primarily that of physical *avodah*. To a certain extent his *avodah* was merely to be in the *Mikdash*.

Just as the priests are not warned against drinking wine except at the time they enter the Temple, so, too, they are forbidden to grow their hair long only at the time they enter the Temple. To whom does the above apply? To an ordinary priest. A High Priest, by contrast, is forbidden to let his hair grow long and rend his garments forever, for he is in the Temple at all times, תמיד הוא במקדש (*Hilchos Beis HaMikdash* 1:10). There was a chamber prepared for him in the Sanctuary which was called “the Chamber of the High Priest.” The

glory and the honor of [the High Priest] would be to remain in the Sanctuary the entire day and to go to his private home only at night or for an hour or two during the day. His home should be in Jerusalem and he should never depart from there. (*Hilchos Klei HaMikdash* 5:7)

The Kohen Gadol is halachically viewed as always being in the *Mikdash*, no matter where he is physically. He carries the *Mikdash* within himself wherever he goes. In addition, his wearing of the *bigdei kehunah* is itself an *avodah*. When the Kohen Gadol wears the *tzitzit* he ratifies the sacrifices that were brought in *tumah*. “The *tzitzit* does not bring about appeasement unless it is on the High Priest’s forehead, as [the above verse] continues: ‘It will be on his forehead at all times, for appeasement before G-d.’” (*Hilchos Beis HaMikdash* 4:8)

The *tzitzit* on his head and the breastplate, *חושן*, on his heart parallel the two *tefillin* and he does *avodah* in his heart and mind throughout the day. Yet he still is to wear *תפילין של ראש*. From Rambam’s presentation we might judge that it is the crowning garment of the Kohen Gadol. The explanation for this is not given in *Sefer Avodah* but in *Hilchos Tefillin*. Let us refer back to a halachah we studied earlier in this essay:

A person should touch his *tefillin* [from time to time] during the entire time he is wearing them, so that he will not divert his attention from them even for a single moment, for their holiness surpasses that of the *tzitzit*. The *tzitzit* has G-d’s name [written] upon it only once, while the head *tefillin* and, similarly, the arm *tefillin* contain the name יהוה-והי 21 times. (*Hilchos Tefillin* 4:14)

Only in *Hilchos Tefillin* does Rambam imply that the Kohen Gadol should not divert his attention from the *tzitzit*. This halachah is a detail in *Hilchos Tefillin*, a halachah pertaining to man’s inner *Beis HaMikdash*. ❧