

SIMAN 40: THE LAWS OF HOW TO TREAT TEFILLIN IN HOLINESS

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40:1. (1) It is forbidden to hang tefillin (2) either by their housing or by their straps, but one is allowed to hang them (3) in their bag.

MB 1: *It is forbidden to hang - on a hook because it is disgraceful.*

MB 2: *either by their housing - so that the housing is hanging down or the straps are hanging down. In any case, if this occurs for a moment, such as if one is holding the tefillin in his hand and the straps are hanging down this is not a problem, but the tefillin are never allowed to be left hanging. This only exception is when the tefillin of the head is hanging in the air, and he is holding them by the straps as he puts it on his head, because this is being done so as to put them on. Some people place the tefillin on a shelf when they put it on [so that they shouldn't be hanging].*

MB 3: *in their bag - and a Sefer Torah shouldn't be hung in any manner, even in a hanging Holy Ark. And see the Chayei Adam rule 31 who wrote that even when the ark is connected to the wall with spikes this is forbidden so long as there is nothing standing underneath it. Books, such as volumes of the Talmud and such, are like tefillin [in this matter, and may be hung in a bag]. However, books or siddurim that have a silver chain connected to their cover should not be hung by the chain, because the cover is not like the tefillin bag because it is connected to the siddur, and it is like the siddur itself. One may write a verse on a piece of paper and hang it by the shul entrance. It is customary to fast when tefillin fall from one's hands onto the floor without their cover, and the same is true for a sefer torah even in its cover. And see the Eliyahu Raba who wrote that even if tefillin fall in their cover, one should give money to tzedaka.*

Avi Bloch

Siman 40. The Laws of How to Treat Tefillin with Respect

40:2. It is forbidden to have (5) family relations in a house that has (4) tefillin inside it, unless one (6) removes them or places them into (7) a vessel inside a vessel. And this is (8) when the second vessel is not set aside to hold the tefillin, because if they are set aside for the tefillin then even 100 containers are considered as one. {Rama: And if both are not designated to hold the tefillin, or the inside one is not designated for them but the outside one is, this is permissible.}

MB 4: *Tefillin - The law is the same concerning Chumashim (bound books containing the text of the Torah), Siddurim, and other holy books whether written or printed. All of these have holiness and need to be placed within a "vessel inside a vessel," even if they are not written with regular letters but rather with a variant script. The binding of a book is not considered as a container, because it is a part of the book itself. And see in Yoreh Deah section 271 in the Turei Zahav note #8, who wrote that anyone who is lenient with the holiness of printed books will have to stand in judgement for this in the future - because printing is like writing. However, in the Responsa of the Chovas Yair section 184 (original printing: 187), he tends towards leniency in case of necessity - when he has nothing to cover a printed book.*

MB 5: *Family relations - Or to relieve one's self.*

MB 6: *Removes them - To another room, or separates himself from them by using a divider that is ten handbreadths high. And see later in section 240, in the Magen Avraham note #15.*

MB 7: *A vessel inside a vessel - Not necessarily two vessels, because two bags are just as good. And if he spreads a garment or other cover on top of the Tefillin bag, this is acceptable even though it covers only the top and sides, but not the bottom - see in the Biur Halacha. If one places the Tefillin bag and Tallis inside one large bag, in this case even the large bag is considered designated for them - requiring yet another cover on top of them - unless he uses a garment to cover the Tefillin inside the bag, because then since the garment is not designated for the Tefillin, this is acceptable as above. And so too if the Tefillin bag is sewn into the large bag - in this case the second side of the large bag is not considered designated for the Tefillin, and turning it upside down would therefore be acceptable. And see in the Biur Halacha what I wrote in the name of the Elya Raba. The Magen Avraham wrote that the law is the same regarding a Mezuzah that is attached on the inside of the doorway in a room - a vessel inside a vessel is required over it, meaning a double covering, at least one of which is not designated for the Mezuzah, as we will see later. And if there is a glass covering over the Mezuzah, even though the Mezuzah is visible inside it this is nonetheless one covering, and it is sufficient to spread a napkin on the Mezuzah, because then it cannot be seen - so writes the Derech HaChayim. However according to everyone, it is insufficient to put a second glass covering over the first even though it is covered twice, because the Mezuzah can still be seen inside. The Chachmas Adam writes that "it appears to me that whether with a Mezuzah or other holy books, if one initially made two vessels in order that one should be counted for a 'vessel inside a vessel,' such as when one wraps a Mezuzah in paper and then places it into its case, this is permissible since it was his intention from the start. And I will explain more of these laws in Section 240, with G-d's help.*

MB 8: *When the second vessel is not set aside - Not necessarily, because the same is true if the inner one is not designated for the Tefillin, but the outer one is so designated, or neither is designated for them, as is written in the Rama. A vessel inside a vessel is only forbidden when both are designated for the Tefillin, but if one is not designated, it can be added to the one that is and the combination is*

permitted. And the Rama is only explaining the words of the Shulchan Aruch, in order that one not err in understanding him. One vessel, however, even if not designated for the Tefillin, is insufficient and forbidden.

40:3. Even when inside a vessel inside a vessel, it is forbidden to place them under his groin or directly (9) under his head, even if his wife is not with him. However, if his wife is not with him it is (10) permissible to place them near his head in the sheets, and if his wife is with him then he needs a vessel (11) inside a vessel.

MB 9: *Under his head - Because this is also denigrating.*

MB 10: *Permissible - Even without any covering at all; they must only be placed in a way that they will not roll off to the sides, for example between the sheet beneath him and the sheet under his head - but the Tefillin cannot be under his head.*

MB 11: *Inside a vessel - Meaning that he places them inside a vessel or bag which is designated for them underneath the sheet, because the sheet is considered a second covering, or he places them without any vessel at all under the two sheets. The Rabbis did not permit him to place the Tefillin near his head when his wife is with him, even in a double covering, unless he is guarding them from thieves or mice. Therefore if there is another place where he can keep them guarded, he should not put them in bed at all. However, if there is a place over his head that sticks out from the bed three handsbreadths up or down, then he may place the Tefillin there.*

40:4. If his wife is with him in bed but he does not want to have family relations, then it is (12) as if his wife is not with him.

MB 12: *As if his wife is not with him - The Turei Zahav forbids his wife to be with him in bed until he places the Tefillin within a double covering, because perhaps he will forget and have relations; and so is implied in the commentary of the Gaon Rabbi Eliyahu [the Gr"a] - and see in the Elya Rabbah.*

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ERROR CORRECTION: Yesterday, I translated Marg'losav as the groin (Margolios are diamonds or jewels, so I thought this was clean language). The correct translation is the footstead, or by the feet. Placing tefillin under the foot of one's bed is forbidden.

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40:5. Placing one's Tefillin in bed against one's side has (13) the same ruling as placing them underneath the foot of the bed [i.e., it is forbidden].

MB 13: *The same ruling - because sometimes he will roll onto them in his sleep. The benches in many synagogues that have a box underneath them for storing Tallisos and Tefillin are the subject of disagreement - some say that it is forbidden to sit on them, while others permit it. However, when there is a gap of one handsbreadth of free space in the box, it is certainly permitted to sit on the benches. And it is appropriate for one with concern for his soul (a "Baal Nefesh") to be stringent except in cases of necessity even here, because one should be extremely careful with the holiness of Tefillin. And if the benches are nailed into the wall, then it is permissible to sit upon them.*

40:6. One who forgot, and had family relations while wearing tefillin, should take hold of neither the boxes nor the straps (14) until he has washed his hands, because "hands keep themselves busy" and perhaps they touched the privates.

MB 14: *Until he has washed his hands - And then he should take them off until he has cleaned off the emission, as is written in paragraph 7.*

40:7. One who slept in his Tefillin and had an emission should not touch the boxes, but rather should (15) take hold of the strap and remove them. {Rama: Until he has cleaned off his emission and (16) washed his hands.}

MB 15: *Take hold of the strap - Because in this case we are not so concerned that perhaps he touched his privates*, and therefore they permitted him to hold the straps and to remove them, in order that he not keep the Tefillin upon him while he is still dirtied with his emission.*

[* I thought that "Makom HaTinofof" referred specifically to the female, but in this case that would hardly be relevant. I'll try to clarify this.]

MB 16: *Washed his hands - But afterwards it is permissible to put them back on, even though he is impure [as a result of his emission].*

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Siman 40: The Law of How to Behave with the Sanctity of Tfillin (cont.)

40:8: One who begins a "regular meal"* (17) should remove his Tfillin and places them (18) on the table until the time of the Blessing After Meals and then again put them on; (19) but for a (20) "casual eating"*, he need not remove them.

[* "regular meal" - a halachic term. Normally (though not always) refers to the eating of at least a certain minimum amount of bread. Bread is considered the main food at a real meal. Eating even a large amount of other types of food is not necessarily to be considered a "regular meal". The opposite of "regular meal" is "casual meal" or "casual eating".]

MB 17: *Removes the tfillin - As we fear perhaps he will become drunk at the meal and act disgracefully with his tfillin on.*

MB 18: *On the table - In order that they be [immediately] available for him to put them on again at the time of the blessing.*

MB 19: *But etc. - In the book Shulhan Shlomo, the author has a doubt: it is possible that this is only for one who wears tfillin all day, but not for one whose practice is to wear them [only] during the recital of Sh'ma and prayer.*

MB 20: *"casual eating" - It appears that the quantity [of bread] which defines "casual eating" is the volume of an egg, like the law with respect to a succah in Siman 639, see there [Thus wrote the Mateh Yehuda.]*