Maran the Rishon Letziyon replied that if a person can obtain two tiny sets of tefillin and he knows how to position them both on his head and arm, then it is certainly best that he wear two sets at one time in deference to the ruling of the Arizal. If his tefillin are too large to allow for this, however, he definitely must wear the two sets one at a time. Otherwise, he might be guilty each day of reciting a blessing in vain.

Harav Hadaya accepted this reply without comment, but some time later he made a public announcement that people should not follow the ruling issued by Maran the Rishon Letziyon. Maran's response to that announcement is published in *Yalkut Yosef* (first edition, page 45).

Two More Opinions

The *Shimusha Rabba*, cited by several *Rishonim*, taught a third opinion about positioning the four scrolls in the tefillin. It concurs with Rashi that the order is *kadesh*, *vehaya ki yevi'akha*, *Shema*, and *vehaya im shamowa*, but their placement is exactly the opposite of Rashi. According to *Shimusha Rabba* the passage of *kadesh* is inserted into the compartment on the right side of the person who is wearing the tefillin, and the other passages are to the left of it. According to Rashi, the passage of *kadesh* is inserted into the compartment on the left side of the person wearing the tefillin.

Many people, following the teachings of Kabbalah, wear tefillin "of *Shimusha Rabba*" while reciting the *minha* prayer. These tefillin do not actually follow the rulings of *Shimusha Rabba*, however. They follow its instructions regarding the size of the *battim* and the manner in which the *battim* are sewn up, but the scrolls are inserted in the manner that Rashi prescribed, not as the *Shimusha Rabba* prescribed. This is explained below in *Siman* 37:6.

Rabbenu Avraham ben David ruled according to the teaching of *havayot ba'emtza*, but in contrast to Rabbenu Tam, he ruled that the passage of *kadesh* is inserted in the compartment on the right side of the person wearing the tefillin. According to Rabbenu Tam, the passage of *kadesh* is inserted into the compartment on the left side of the person wearing the tefillin.

Actually, there are even more opinions about how tefillin are constructed. As mentioned above, Harav Eliyahu of Vilna told Harav Hayim of Volozhin that if someone wished to fulfill the mitzvah according to every opinion he would have to put on sixty-four sets of tefillin every day.

Nevertheless, in practice people are concerned only with the opinions of Rashi and of Rabbenu Tam. Other than a handful of individuals, hardly anyone is concerned about following the opinions of *Shimush Rabba* or of Rabbenu Avraham ben David.

Harav HIDA (*Mahazik Berakha* 34:4) wrote that some authorities refrained from wearing tefillin "of *Shimusha Rabba*" since they belong on an exalted spiritual level, and the Arizal hesitated before reluctantly permitting people to wear them. Harav Menahem Azarya of Fano (responsa #107) asserted that most *Poskim* ignored the opinion of *Shimusha Rabba*. If someone insists on wearing them, he must sanctify himself to a great extent and develop an acute feeling of humility and a deep fear of Heaven.

No Blessing for Tefillin "of Rabbenu Tam"

Harav David ben Zimra (responsa Vol. VI, #2,276) ruled that one should not recite a blessing when putting on tefillin "of Rabbenu Tam" and that one can fulfill the mitzvah without the blessing. He then cited the *Kaftor Vaferah* who forwarded a principle that whenever there is a debate among the *Poskim* about how to perform a mitzvah and someone performs it according to one of the opinions, he may recite the blessing for the mitzvah even though other *Poskim* ruled that this is not the way to fulfill the mitzvah. He proved this principle, citing the mitzvah of tefillin as an example. Although the *Rishonim* debated how tefillin are to be constructed, everyone recites a blessing when putting on tefillin in the morning.

Even so, Harav David explained that this principle does not apply regarding tefillin "of Rabbenu Tam." The above principle applies only in a case where we have made a definite decision about which opinion we are going to follow, and we follow it consistently. If we would wear tefillin "of Rabbenu Tam" exclusively, both during *shaharit* and *minha*, then it is true that we would recite the blessing on them as well. But we wear tefillin "of Rabbenu Yitzhak Alfasi" (Rashi) during *shaharit* and tefillin "of Rabbenu Tam" during *minha*. If we would recite the blessing in the morning on one set of tefillin and again in the afternoon on a different set, one of those blessings would definitely be recited in vain. After all, it cannot be that the halakha follows Rabbenu Yitzhak Alfasi in the morning and then follows Rabbenu Tam in the afternoon! We recite the blessing in the morning because the halakha in practice follows the opinion of Rabbenu Yitzhak Alfasi.

The *Ben Ish Hai* (*parashat Vayera* halakha 22) ruled that even if someone is putting on tefillin "of Rabbenu Tam" without tefillin "of Rashi," he still must not recite the blessing. The sanctity of tefillin "of Rabbenu Tam" is far more exalted than that "of Rashi" according to the Kabbalah. It is not possible for us to bring this sublime sanctity down to earth through reciting a blessing. The Arizal explained that we do not recite a blessing for *tefillin shel rosh* since its sanctity is too exalted, and if so he certainly would agree that it is not possible to recite a blessing of tefillin "of Rabbenu Tam." Harav Menahem Azarya of Fano likewise refrained from reciting a blessing on tefillin "of Rabbenu Tam," and Harav HIDA (*Mahazik Berakha*) testified that this was the practice of the elder rabbis in the Land of Yisrael.

Despite this, the *Matzat Shimurim* ruled that we are supposed to recite the blessing when putting on tefillin "of Rabbenu Tam" as well. The *Sha'are Teshuva* (34:1), however, refuted that ruling. Even according to the kabbalists who maintain that both sets of tefillin are genuine, it is not possible to recite a blessing on tefillin "of Rabbenu Tam." The Arizal taught that it is not possible to recite a blessing on *tefillin shel rosh* since its sanctity is too exalted for a person's blessing. If so, tefillin "of Rabbenu Tam" are certainly too exalted for a blessing.

סימן לד

דיני תפילין דרבינו תם

א. סדר הנחת הפרשיות בבתים: לרש"י והרמב"ם: "קדש", משמאל המניח בבית החיצון, ואחריו "כי יביאך" בבית שני, ו"שמע" בבית השלישי, "והיה אם שמוע" בבית הרביעי שהוא בית החיצון לימינו. ולרבינו תם בבית השלישי "והיה אם שמוע" ובבית הרביעי שהוא החיצון "שמע". [ש"ע סי' לד ס"א] **והנה** לדעת רש"י וסיעתו התפילין שנעשו כסברת רבינו תם פסולים מן התורה. וכן להיפך, לדעת רבינו תם וסיעתו התפילין שנעשו כשיטת רש"י פסולים מן התורה. אך כתב בשלחן ערוך (סי' לד סעיף א-ב) שמנהג העולם כרש"י והרמב"ם. אלא שירא שמים יצא ידי שניהם, ויניח שני זוגות של רש"י ושל רבינו תם. ובכדי שלא יעבור על איסור 'בל תוסיף', יכוין בהנחתן שבאותן שהן כהלכה הוא יוצא ידי חובת מצות תפילין, והשאר הן כרצועות בעלמא. [ראה ש"ע שם, הליכות עולם ח"א עמ' כא-כב, ילקו"י מהדו"ק עמ' מב]

Siman 34

Tefillin "of Rabbenu Tam"

Position of scrolls in tefillin

1) According to Rashi and Rambam, the four scrolls of *tefillin shel rosh* must be inserted into the compartments in the following order, going from left to right from the perspective of the person wearing it: *kadesh*, *vehaya ki yevi'akha*, *Shema*, *vehaya im shamowa*. According to Rabbenu Tam, the last two are switched, with *vehaya im shamowa* in the third compartment and *Shema* in the fourth.

According to Rashi and his school, tefillin that are constructed according to Rabbenu Tam's formula are not at all kosher.[253] According to Rabbenu Tam and his school, tefillin that are constructed according to Rashi's formula are not at all kosher. The *Shulḥan Arukh* (34:1, 2) explained the accepted custom follows the opinion of Rashi and Rambam.

He added, however, that anyone who is endowed with the fear of Heaven will make sure to fulfill both opinions by wearing two sets of tefillin, one made according to Rashi's formula and the other made according to Rabbenu Tam's formula. In order to avoid the sin of *bal tosif*, the person wearing both sets should stipulate in his mind that he intends to fulfill the mitzvah of tefillin with the set is made correctly, and that he considers the other set to be no more than a pair of straps.[254]

253. This was explained at length in the preface to this *Siman*. The emphasis given here is meant to counter the opinion of the *Besamim Rosh* who held that according to Torah law the tefillin are kosher either way. His opinion was that even according to Rashi, tefillin "of Rabbenu Tam" are kosher according to Torah law, but that our Sages instituted a rule permitting only those constructed as Rashi prescribed. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. I, #3:5) refuted this opinion.

254. ***Bal tosif* when wearing one set at a time**

The *Shulḥan Arukh* describes a case of someone wearing both sets of tefillin at the same time, explaining that he must have in mind to fulfill the mitzvah with whichever set is halakhically correct but not with the other set. The *Mishna*

ב. אף על פי שמרן השלחן ערוך (סי' לד ס"ב) כתב, שלא יניח תפילין דרבינו תם אלא ירא שמים, שמוחזק ומפורסם בחסידות, וכן נהגו אחריו רבים וכן שלמים להניח רק תפילין דרש"י. מכל מקום בזמן הזה שהנחת תפילין דרבינו תם נפוצה גם אצל אברכים ובעלי בתים יראי שמים, אין לחוש יותר

Day 64

Who may wear tefillin "of Rabbenu Tam"

2) The *Shulḥan Arukh* (34:2) states that one should not wear tefillin "of Rabbenu Tam" unless one is well-endowed with the fear of Heaven and enjoys a widespread reputation of being a devout individual. Otherwise, one would be accused of haughtiness if one wore tefillin "of Rabbenu Tam." Based on this, many pious Jews maintained the practice of wearing tefillin "of Rashi" only, feeling that they were not worthy of wearing tefillin "of Rabbenu Tam."

Nevertheless, in our times the practice of wearing tefillin "of Rabbenu Tam" has become widespread, both among people who study in *kollelim* and among caring businessmen and laborers. Therefore, there is no longer a threat of being accused of haughtiness for observing this fine practice. Nowadays, everyone should care to fulfill the mitzvah of tefillin correctly by wearing two sets, especially since we are now aware that a great number of *Poskim* concurred with Rabbenu Tam's opinion. In fact, there is testimony that the Talmud Yerushalmi states clearly that the halakha is as Rabbenu Tam

Berura (*Bi'ur Halakha* 34:2) added that even someone who wears the two sets one at a time must also have this in mind. If he would wear each set intending to fulfill the mitzvah with each one, he would be guilty of the Torah prohibition of *bal tigra* when he wears the set that is not kosher. [*Bal tigra* is the opposite of *bal tosif*, and it means that it is forbidden to pretend to fulfill a mitzvah when one actually is missing vital elements needed to fulfill it.] Since two of the passages are correctly placed in the *battim* and two are incorrectly placed in them, it is as if he is wearing tefillin with two passages instead of four. The *Sefer Mitzvot Gadol* states specifically that if someone wears tefillin made with three compartments instead of four, he transgresses the prohibition of *bal tigra*.

Although according to the kabbalists both sets of tefillin are kosher and there is no issue of *bal tosif* or *bal tigra*, all the *Poskim*, including the *Shulḥan Arukh*, did not accept that position. The general rule is that whenever the Kabbalah differs with the *Poskim*, the halakha is to follow the opinion of the *Poskim*. Anyone who goes through the bother of wearing a second set of tefillin because he wants to make sure that he fulfills the mitzvah correctly would certainly want to make sure that he doesn't transgress a Torah prohibition while doing so. Therefore, he must have in mind when wearing his tefillin that he intends to fulfill the mitzvah only with the set that is correct and that he is wearing the second set only as a pair of straps.

If someone wears the two sets without any particular intentions, he still transgresses the prohibition, as explained in the Talmud (*Rosh Hashanah* 27b) regarding *bal tosif*. The same principle applies to the transgression of *bal tigra*.

The *Mishna Berura* explained all this at length since he found that one of the *Aḥaronim* had ruled quite the opposite. It is obvious, the author commented, that this *Aḥaron* did not study the subject well.

Must one stipulate this outright on a daily basis?

The *Or Letziyon* (Vol. II, page 36) ruled that if someone wears two sets of tefillin every day, he needs to declare this stipulation only once. Once he has demonstrated that only one set is kosher tefillin and he is wearing both in order to fulfill both opinions, it is unnecessary for him to declare this every day.

The *Piske Teshuvot* (*Siman* 34, footnote 7) likewise ruled that as long as the person is aware that people wear both sets because of the doubt which one is kosher, he may wear both sets without an expressed stipulation. He added that it is preferable to refrain from stipulating expressly, since according to the kabbalists both sets are kosher and one fulfills the mitzvah with both sets.

The best option, however, is to stipulate as follows: "In case both sets of tefillin are kosher I wish to fulfill the mitzvah with both. In case one set is kosher and the other is not, I intend to fulfill the mitzvah with the kosher set and I consider the other set to be simply a pair of straps."