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."

משום יוהרא. ולכן מצוה שכל אחד ואחד יחוש לדברי גדולי הפוסקים, שסוברים כדעת רבינו תם, ומה גם שכן מבואר בתלמוד ירושלמי, ולא יכנס חס וחלילה בספק של קרקפתא דלא מנח תפילין.

ומכל מקום בחורים רווקים נכון שלא יניחו תפילין דרבינו תם, אלא אם כן יודעים בנפשם שמחשבתם טהורה כל זמן שהתפילין עליהם. [הליכו"ע ח"א עמ' כג, ילקו"י מהדו"ק עמ' מו]. וראה לקמן בסימן ל"ח הלכה ח'.

ג. לכתחלה היה מן הראוי להניח ב' זוגות התפילין של רש"י ושל רבינו תם ביחד, כדי שברכת "להניח תפילין" תחול על שתיהן יחדיו, וגם כדי שיקרא בהן קריאת שמע ויתפלל עמהן כראוי, שזוהי קבלת מלכות שמים שלימה, כי מקום יש בראש להניח שתי תפילין, וכן בזרוע, (כדאיתא בעירובין צה ע"ב).

אולם כל זה כאשר התפילין קטנים מאוד, באופן שגודל כל התפילין עם התיתורא והמעברתא לא יהיה יותר משיעור שתי אצבעות (ארבעה ס"מ), וביחד יהיו התפילין של רש"י ורבינו תם לא יותר מארבעה אצבעות (שמונה ס"מ), כדי שבאופן שכזה יהיו כל שתי התפילין מונחות על הקיבורת של הזרוע,

taught. Anyone who ignores this places himself in danger of being guilty of ignoring the mitzvah of tefillin altogether.[255]

Unmarried men —

All this notwithstanding, young men who are not yet married should refrain from wearing tefillin "of Rabbenu Tam" unless they are sure that they can keep their thoughts pure for as long as they are wearing them. See Siman 38:8.

Both sets at the same time

3) It would be best to wear two sets of tefillin at the same time, one constructed in the manner prescribed by Rashi and another constructed in the manner prescribed by Rabbenu Tam. In that way, a person could recite the blessing so that it covers whichever set is the genuine set of kosher tefillin. Furthermore, by wearing both sets, a person can be certain that he is wearing kosher tefillin when he recites the *Shema* and the *Amida*. That is the most important time to be wearing tefillin, since that is the moment of a person's daily proclamation that he is subject to obey God whatever He might demand. The Talmud (*Eruvin* 95b) teaches that technically, there is room on a person's head and his arm to fit two sets of tefillin.

This is true, however, only if the two sets of tefillin are very small, with the total length of each *bayit*, including its *titura* and *ma'abarta*, being no more than two fingerbreaths (4 centimeters / 1.575 inches). If the length of both the *bayit* "of Rashi" and that "of

255. Is it permissible to stop wearing tefillin "of Rabbenu Tam"?

The *Piske Teshuvot* (page 333) cited Harav Shim'on Greenwald ruling that if someone who has been wearing tefillin "of Rabbenu Tam" on a daily basis, following the tradition of his family and teachers, and now wishes to cease wearing them, he may do so. He will need to apply for *hatarat nedarim* and then he will be free of that obligation. Nevertheless, it is advisable to continue this commendable practice for the remainder of one's life.

The *Piske Teshuvot* (*Siman* 34, footnote 14) ruled that if someone was forced to stop wearing tefillin altogether for an extended period, but he intends to resume fulfilling the mitzvah when it becomes possible, he does not need to submit for *hatarat nedarim*. This is based on the ruling of the *Dagul Mervava*, and it is likewise the ruling of Maran the Rishon Letziyon (responsa *Yehave Da'at*, Vol. I, #41).

בחצי הנוטה לצד היד, ואם יהיו גדולים יותר אי אפשר שלא יצאו מחוץ למקום הראוי להנחתן, שאפילו אם רק חלק קטן מאד מהתפילין יהיה מונח בחצי החלק העליון הנוטה לצד הכתף, הרי ברכתו על התפילין היא ברכה לבטלה, וגם לא יצא ידי חובת תפילין של רש"י, כי שם איננו המקום הכשר להנחת תפילין כלל (כמבואר לעיל סימן כ"ז הלכה ב'), ויוצא שכרו בהפסדו.

ולכן כל שקשה מאד למצוא תפילין כשרים קטנים כל כך, שיהיה אפשר להניחן ביחד במקום הכשר לתפילין ללא כל פקפוק, יש להניחן בזה אחר זה, דהיינו שיניח תפילין של רש"י ויברך עליהן עובר לעשייתן, ויקרא בהן קריאת שמע ויתפלל, ואחר התפלה יניח תפילין של רבינו תם בלא ברכה, ויקרא בהן פרשת "שמע" ופרשת "והיה אם שמוע", ובזה הוא יוצא ידי חובת כל הפוסקים. [ילקו"י מהדו"ק עמ' מג, עפמ"ש ביבי"א ח"א סי' ג]

Rabbenu Tam" totals no more than 8 centimeters, there is most likely room on the person's head and arm to fit them both properly at the same time. Regarding the *tefillin shel yad*, the proper place is on the bulge of the biceps, but only on the half of the upper arm closest to the elbow.

If the length of the *battim* exceeds 8 centimeters, then in all likelihood at least one end of one of the *battim* will protrude beyond the permitted area. If the *bayit* "of Rashi" protrudes, even slightly, onto the higher half of the upper arm, the person does not fulfill the mitzvah of tefillin "of Rashi," and he is guilty of reciting a blessing in vain. The higher half of the upper arm is not the place where tefillin may be worn, as explained above in *Siman* 27:2. Thus, his attempt to fulfill the mitzvah in the ideal manner results in not fulfilling the mitzvah at all.

Therefore, anyone who has difficulty obtaining two sets of tefillin small enough to easily fit on the correct place on his head and arm should not attempt to wear two sets at the same time. Instead, he should put on his tefillin "of Rashi" by itself and recite the blessing and wear that set through the *shaharit* prayers. Afterward, he should put on his tefillin "of Rabbenu Tam" without reciting any blessing, and repeat the passages of *Shema* and *vehaya im shamowa*. In this way, he definitely will fulfill his obligation according to all *Poskim*.[256]

256. *Shema* and *vehaya im shamowa* while wearing tefillin "of Rabbenu Tam"

According to the *Shulhan Arukh* (34:2) it is not necessary to recite more than these two passages, but the *Yafe Lalev* cited the *Or Hashir* stating that one ought to recite the passage of tzitzit as well. The *Artzot Hahayim*, cited by the *Mishna Berura* (25:16), praised the practice of reciting all four passages of tefillin while wearing tefillin "of Rabbenu Tam." Maran the Rishon Letziyon (*Yalkut Yosef* first edition, page 46) testified that the custom of Sefardic Jews is to follow the instructions given in the *Shulhan Arukh*, and therefore we recite the passages of *Shema* and *vehaya im shamowa*.

The *Hatam Sofer*

Harav Moshe Sofer did not recite any of the passages of tefillin after putting on his tefillin "of Rabbenu Tam." His opinion was that it was self-contradictory to recite the passage commanding us to put on tefillin while we are wearing a set that might not be kosher tefillin at all. It would be a case of "testifying falsely about himself." The *Ot Hayim* of Munkatch refuted this argument, explaining that once a person has already fulfilled the mitzvah of tefillin he cannot be considered guilty of false testimony if he recites the passage of tefillin later on that day while no longer wearing tefillin. See the *Halakha Berura* (page 7).

ואמנם בדרך כלל יש לחוש שיפסיד מצות תפילין על ידי שיניחם יחד ושלא במקומן, וכך הוא בדרך כלל אצל רוב האנשים, שהתפילין של ראש יורדות במעט שלא במקום הנחת התפילין, וממילא מפסידים מצות תפילין. וגם אם יעשה התפילין קטנים ביותר יש לחוש שמא מחמת כן לא יכתבו האותיות שבפרשיות כהלכתן, וגם שמא בשעת דחיקת הפרשיות לבתים ישברו האותיות. ולכן עדיף שיניח תפילין בגודל רגיל, ובזה אחר זה. [ילקו"י בתרא עמ' תקפט, הלכה ברורה עמ' ו]

Even if someone can obtain two tiny sets of tefillin that will fit onto the prescribed parts of his head and arm, it often happens that the tefillin slip up or down while he is wearing them, and then he ceases to fulfill the mitzvah. What's more, the tiny tefillin require tiny scrolls with tiny handwriting. It is many times more difficult for a scribe to write kosher scrolls for such tiny tefillin. Even if he succeeds, the scrolls are susceptible to become damaged while being squeezed into such tiny compartments. For all these reasons, it is recommended to purchase two sets of regular-sized tefillin and to wear them one at a time.[257]

257. A general ruling vs. an individual ruling

The *Yalkut Yosef* (first edition, page 43) states that "since it is difficult to procure a good, kosher set of tiny tefillin, one should wear tefillin one set at a time." In the second edition (page 589), however, it states, "anyone who finds it difficult to procure...." The author understood that circumstances had evolved over the years, and at this time anyone could procure two sets of quality, kosher tefillin small enough to be worn together at the same time. Therefore, he revised his ruling to apply in cases where the person finds it too difficult to procure fine tiny sets of kosher tefillin. Only in such a case should a person wear his two pairs of tefillin one at a time. If he is able to procure two tiny sets and wear them together in the proper manner, the *Yalkut Yosef* agreed that this is the ideal way to fulfill the mitzvah.

During his lifetime, Maran the Rishon Letziyon consistently ruled that people should not wear both sets at the same time since it is likely that one or both will be positioned incorrectly. Indeed, he personally wore his two sets one at a time. This needs some explanation.

In our generation, there are scribes who specialize in writing tefillin scrolls for tiny sets of tefillin, and their products are kosher and top-quality by every measure. The parchment they use is specially made for this purpose; it is very thin, but free of holes and durable. Likewise, *battim* are available that are so small that almost no one would have a problem wearing two sets at the same time in the proper position.

Nevertheless, Maran the Rishon Letziyon never changed his tone; he continued to insist that people wear the two sets one at a time. This is likely because he understood that he served as an example who the entire Jewish nation wished to emulate. Not only rabbis and Talmudic students followed his rulings and practices, but also Jews across the spectrum, including many who were simple, honest working folk who had never been given the opportunity to study in yeshivot or *kollel*. If he would have adopted the practice of wearing two sets of tefillin at one time, many thousands of these people would have done the same. Maran the Rishon Letziyon feared that people would wear two sets even though they do not know how to position them within the halakhic parameters on their heads and arms. Since he felt responsible for this, he decided to adopt the practice of wearing the two sets one at a time, so that whoever emulates him will fulfill the mitzvah correctly.

The truth is that not everyone can fit two sets of tefillin on his head and arm, even if he purchases two tiny sets. When people would ask the Rosh Yeshivah, Harav Ben Tziyon Abba Sha'ul, whether they should adopt the practice of wearing two sets of tefillin at the same time, he would roll up their sleeves and examine their arms. Often, he would determine that the person's biceps muscle is too small to fit two *battim* at one time in the proper position. This demonstrates that it would be incorrect to issue a ruling that anyone who wishes to fulfill the mitzvah in the ideal manner must wear two sets at one time. To remain on the safe side, Maran the Rishon Letziyon invariably advised people to wear the two sets one after the other.