ט. אם נפלו התפילין בהיותם תוך כיסם, אין צריך להתענות, אלא די לתת פרוטה אחת לצדקה. [באו"ח כה"ח שם, משנ"ב ס"ק ג]. והמחמיר ליתן אף בזה צדקה כשיעור סעודה אחת תבא עליו ברכה.

י. אם לא נפלו התפילין על גבי הארץ ממש, אלא על גבי השלחן או ספסל, יתן צדקה. [ראה פסקי תשובות סי' מ אות ב]

Day 88

Dropping tefillin inside the *kuracha*

9) If someone dropped his *kuracha* with his tefillin inside it, it is not necessary to fast. It is sufficient to give a small coin to charity. If he gives an amount equal to an entire meal, he will receive a special blessing from Heaven.[328]

Dropping tefillin onto a table

10) If someone dropped tefillin, but they fell onto a table or chair and never reached the floor, he should simply give money to charity.[329]

328. The *Magen Avraham* (42:5) ruled that it is not necessary to fast if the tefillin were in the *kuracha* when they were dropped, but if someone dropped a Torah scroll in its case he must fast. Harav Yisrael of Brona (responsum #127, cited in the *She'erit Kenesset Hagedola's* gloss on the *Arba'a Turim* 566:3) testified that his teachers ruled that it is necessary to fast even if the tefillin were inside the *kuracha*, but he added that he personally ruled more leniently, instructing people to simply give a small coin to charity. The *Kaf Hahayim* Sofer (40:5) cited many *Aharonim* (*Eliya Rabba*, *Be'er Hetev*, *Mahazik Berakha*, *Hesed La'alafim*, *Yafe Lalev*, *Ben Ish Hai*) who agreed with the lenient position.

The *Kaf Hahayim* Palachi (10:38) likewise ruled simply that one should give charity, without specifying any amount. It is clear from the way the halakha is presented in the *Ben Ish Hai* that even a single coin is sufficient. Even so, it is certainly meritorious to follow the opinion cited by Harav Yisrael of Brona and give the amount equal to one day's meals. The *Yalkut Yosef* (first edition, page 29), however, seems to say that if someone drops his *kuracha* with the tefillin inside he should give to charity the cost of one meal, no different than if he would have dropped the tefillin themselves.

Plastic tefillin covers

Before modern times, there were no plastic covers for tefillin, and they were simply stored in a *kuracha* when not being worn. The author of *Aderet Yaakov* (page 112) wondered whether it is necessary to fast if someone dropped his tefillin while it was enclosed in its plastic cover, but not in a *kuracha*. He pointed out that the Rama ruled (gloss to 44:1) that it is permissible to go to sleep while holding tefillin in a pouch, since even if they are dropped they would not be disgraced. The *Mishna Berura* (44:8) cited Harav Eliyahu of Vilna explaining that since the pouch is at least a *tefah* (8 cm) wide, it is considered a barrier between the ground and the tefillin. Now, this could not be said about the plastic covers we use for our tefillin. If so, it should be necessary to fast even if the tefillin were in their cases when dropped. On the other hand, it could be that as long as they are covered, the disgrace of dropping them is less severe. In the *Aderet Yaakov*, there is no definite conclusion.

The *Piske Teshuvot* (*Siman* 40, footnote 11) ruled that it is not necessary to fast if the tefillin were in their plastic cases when dropped. He then cited the responsa of *Shevet Hakehati* (Vol. IV, #26), in which Harav Aharon Roke'ah of Belz ruled that it is still necessary to fast since the knots in the form of the letters *yod* and *dalet* are exposed and hit the ground.

In practice, if someone drops tefillin in its plastic case, he ought to give a meal's worth of money to charity, and not make do with one small coin. If he actually fasts, he will receive a special blessing from Heaven.

The *Piske Teshuvot* pointed out, citing the *Orhot Hayim* of Spinka, that this discussion is about tefillin enclosed in plastic covers on all sides. If only the main cube is covered but the *titura* and *ma'abarta* of the tefillin are unprotected when dropped, it is the same as dropping tefillin with no protection at all, and it is necessary to fast.

329. What exactly causes tefillin to be disgraced when they are dropped? Is it the fact that they fell to the ground, or is it the fact that they fell out of the person's hands? Harav Yisrael of Brona, who is the earliest source for this halakha, mentioned specifically that the tefillin were dropped to the ground. The *Mishpete Shemuel*, however, discussed the halakha of someone who dropped his tefillin, without saying that they were dropped to the ground. the *Ben Ish Hai* (*parashat Haye Sara*, halakha 18) described the case of tefillin that were dropped from a person's hands, without mentioning the ground. Despite this, these *Poskim* probably meant that they fell to the

יא. אם לא נפלו התפילין בידו ממש, אלא היה זה על ידי גרמא, כגון שהתפילין היו מונחות בתוך ארון על קצה המדף, וכשהוא פתח דלת הארון נפלו התפילין, אין צריך להתענות. [ראה ביבי"א ח"ב סי' כח אות ד, ח"י סי' נה אות יז]

יב. נפלו רצועות התפילין על הארץ, אין צריך להתענות. [מהר"י ברונא סו"ס קכז, הובא בשכנה"ג סי' תקסו, ובכה"ח ס"ק ה, ועוד]

יג. הרואה תפילין שנפלו, אין חייב להתענות. [חיים שאל ח"א סי' יב, פתה"ד סי' מ אות ב, יפ"ל סו"ס מד, כה"ח ס"ק ח, יבי"א שם אות ג]

If tefillin fell by themselves

11) It is necessary to fast only if the person dropped the tefillin from his hands. If someone opened a cabinet door and the tefillin fell out by themselves, it is unnecessary to fast.[330]

If tefillin straps drop to the ground

12) If only the tefillin straps fell to the ground and not the *battim*, it is not necessary to fast.

Those who witness tefillin falling

13) Those who witness tefillin falling to the ground do not have to fast.[331]

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ground. In fact, the *Magen Avraham* (44:5) cited the *Mishpete Shemuel* and added the words "they fell to the ground."

The responsa *Afarkasta d'Anya* (Vol. III, #194) discussed the case of someone who dropped a Torah scroll onto the table where it was to be placed. He ruled that it is not necessary to fast, citing the *Ikare Hadat* who ruled that even if it was dropped onto the steps in front of the synagogue Ark it is not considered the same as having been dropped to the ground. The responsa *Tzitz Eliezer* (Vol. V, #1) ruled that if the Torah scroll was dropped onto the steps it is necessary to fast. He agreed, however, that if someone was sitting on the bench of the Torah-reading stage holding a Torah scroll and it slips out of his hands onto the bench, no fasting is necessary.

In conclusion, since the practice of fasting upon dropping tefillin is only a custom, it is not necessary to fast if someone dropped tefillin onto a table or chair. Instead of fasting, he should give charity.

330. The responsa *Rav Pe'alim* (Vol. V, #28) discussed a case where someone indirectly caused a Torah scroll to drop to the ground, and ruled that although he did not drop it from his hands he must fast. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. II, #28:4, Vol. X, #55:17) disagreed. Since the entire basis for fasting upon dropping a Torah scroll is only a custom, we may limit the scope of the custom to someone who dropped it from his hands and not someone who caused it to fall by itself.

Certainly, if someone caused tefillin to drop to the ground he does not have to fast. Still, it is recommended that he give charity.

If someone drops another person's tefillin

The *Piske Teshuvot* (40:2) ruled that even if the tefillin do not belong to the person who dropped them, he must fast. If the owner of the tefillin witnessed the event, he should give some money to charity. If he did not witness it, only the person who dropped them must atone for it. If the owner of the tefillin placed them where they were likely to get knocked down by somebody else, and that is what happened, the owner should give charity.

331. This is the ruling of Harav HIDA (responsa *Hayim Sha'al* Vol. I, #12), citing proof from the words of the *Mishpete Shemuel*. A number of *Aharonim* concurred with this, rejecting the stringent ruling of the responsa *Sede Ha'aretz* (Vol. III, #31) requiring all the witnesses to fast. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. II, #28:3) complained that this stringent ruling is totally unwarranted. Even if someone witnesses a Torah scroll falling to the ground he is not obligated to fast, although in some communities that is the custom. There is no community, however, that has adopted the custom to fast if someone witnesses another person dropping tefillin. The *Shulhan Gavowah* and Harav HIDA (*Mar'it Ayin*) likewise disagreed with the *Sede Ha'aretz* regarding this ruling.

וכן הרואה בחלום תפילין שנפלו מידו, שאין צריך להתענות. [ראה יביע"א ח"ב סי' כח אות ג בשם המגיד משרים]

יד. תפילין פסולות שנפלו מידו, אין צריך להתענות. וטוב שיפדה התענית בצדקה. [אות חיים ושלום סי' מד אות א]

Likewise, if someone dreams that he dropped his tefillin to the ground, it is not necessary for him to fast.[332]

Day 89

Dropping nonkosher tefillin

14) If someone drops nonkosher tefillin, it is not necessary to fast. Even so, it is recommended that he give some money to charity.[333]

The *Yalkut Yosef* (page 695) recommended giving a coin to charity in this case. Although this does not appear in other *Aharonim*, it is commendable to do so in deference to the opinion of the *Sede Ha'aretz*.

The difference between tefillin and a Torah scroll

Maran the Rishon Letziyon concluded that someone who witnesses a Torah scroll dropped to the ground should fast if he is healthy, but anyone who witnesses tefillin being dropped to the ground does not have to fast. In explaining the difference between tefillin and a Torah scroll, the responsa *Tzitz Eliezer* (Vol. V, #1:4) cited Harav Zalman Sorotzkin (*Moznayim Lamishpat*) based on the passage in *Berakhot* (34b): "If someone loses his place while reciting the *Amida*, it is a bad sign for him. If the cantor loses his place, it is a bad sign for the congregation whom he represents [in his prayers]." In the same way, if someone drops his tefillin, he must assume that the tefillin were disgraced due to his own sins. If someone takes a Torah scroll in order to read it in public, he is likewise a representative of the people assembled for the Torah reading. If he drops, the entire group must assume that the Torah scroll was disgraced because of their sins. Therefore, everyone present must fast. This explanation also appears in the responsa *Arugot Habosem* (Vol. I, #20). The responsa *Peri Hasade* (Vol. II, #72) similarly explained that the entire congregation fasts since each one must say that his merit was not great enough to prevent this disgrace from taking place in his presence.

A blind person who hears his tefillin fall to the ground

The *Petah Hadevir* (40:2) debated whether the ruling of the *Sede Ha'aretz* would apply to a blind person who heard the sound of tefillin falling to the ground. After citing a passage from the *Tzapihit Bidvash* (authored by his father) he decided that according to the *Sede Ha'aretz* the blind person must fast as well. Harav HIDA, however, insisted that the rule of fasting applies only to the person who dropped tefillin, and not to someone else who witnessed them being dropped. According to this, certainly a blind person who only heard the sound of someone else dropping his tefillin will not have to fast.

The *Yalkut Yosef* (page 695) ruled specifically that a blind person does not have to fast upon hearing the sound of someone dropping his tefillin, although he had already ruled that even those who witness someone else dropping tefillin do not have to fast. The rulings are correct, but it is totally unnecessary to add the part about a blind person. We must not make the mistake of deducing from his words that a blind person who dropped his own tefillin to the ground does not have to fast since he cannot see it happen.

332. Maran the Rishon Letziyon (responsa *Yabia Omer* #28:3) cited Maran (*Maggid Mesharim*, *parashat Vayak'hel*) ruling that if someone dreams that he saw a Torah scroll fall to the ground he does not have to fast, and certainly not if he dreamed that he saw tefillin being dropped to the ground. This is repeated in *Yalkut Yosef* (page 695).

333. Harav HIDA (responsa *Hayim Sha'al* Vol. I, #12) ruled that if someone drops a Torah scroll he must fast even if the scroll was not kosher for use in the synagogue. The *Ot Hayim veShalom* (44:1) explained that this is because the scroll still has the status of a *sefer* as long as at least 85 kosher letters remain intact. This is besides the fact that God's Name is written hundreds of times in the Torah scroll. Tefillin parchments, however, never attain the status of a *sefer*. Therefore, if the parchment is not kosher and it is dropped, it is not necessary to fast. Certainly, in this generation when people have less strength than they had in earlier generations, it is correct to be lenient regarding this fast. If possible, the person should give charity instead.