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.

וסופר שעובד על התפילין ונפלו דרך עבודתו, לא החמירו עליו להתענות, ויתן פדיון תעניתו כדי אכילת יום אחד. [שבט הלוי ח״ה סי׳ ה אות ד].

דיני קדושת תפילין, והנחתם בכלי בתוך כלי

טו. חדר שיש בו תפילין, אסור לשמש שם מטתו, עד שיוציאם לחוץ, או עד שיניחם כלי בתוך כלי [ש״ע סי׳ מ ס״ב], או כיסוי בתוך כיסוי. [משנ״ב שם]. וכן אם יעשה לפניהם מחיצה גבוה עשרה טפחים (שמונים ס״מ), שרי. [ראה ש״ע סי׳ רמ ס״ו, עוד יוסף חי׳ פ׳ חיי שרה הי״ד]

וכלי בתוך כלי נחשב: שהכלי הראשון הוא מיוחד לתפילין, והשני אינו מיוחד להם [ש״ע שם]. וכן להיפך, שהראשון אינו מיוחד להניח בו תפילין, והשני מיוחד להם [רמ״א שם]. וכן אם שניהם כלים שאין מיוחדים להם, חשיב כלי בתוך כלי. [רמ״א שם]. אבל אם שני הכיסים מיוחדים להניח בהם תפילין, אפילו מאה חשובים ככלי אחד. [ש״ע שם]

טז. הכיס הגדול הנקרא קוראג״ה המיועד לשים בתוכו הסידור והטלית והכיס של תפילין, אינו נקרא כלי מיוחד לתפילין ממש, ולכן כשנותן כיס התפילין לתוכו, נחשב כיס בתוך כיס. [מהר״י צמח בשם

If a scribe drops tefillin or a part of tefillin while working on it, it is not necessary for him to fast. Instead, he should give the cost of a day's meals to charity.[334]

How to Relate to the Sanctity of Tefillin

Marital relations with tefillin in the room

15) It is forbidden for a couple to have marital relations while tefillin are in the room. The tefillin must be moved to another room, enclosed in two containers, or covered with two covers. Alternatively, it is permitted if a barrier ten *tefahim* high is placed between the couple and the tefillin.

The halakhic concept of "enclosed in two containers" means that the tefillin are enclosed in a container designated specifically for them, and that container is enclosed in another that is not designated for tefillin. If the inner container is not designated for tefillin but the outer container is, it is likewise considered to be enclosed in two containers. If both containers were designated for tefillin, however, the tefillin are considered to be enclosed in only one container. This is the case even if the tefillin are enclosed in a hundred containers that are all designated for tefillin.

Tefillin inside the tallit's *kuracha*

16) The *kuracha* that is used for the tallit and the smaller sack holding the tefillin, and possibly a prayer book, is not considered to be designated for tefillin alone. Therefore, if tefillin are enclosed in that *kuracha*, they are considered to be enclosed in two containers. According to many *Poskim* the tefillin may

334. This is the ruling of the responsa *Shevet Halevi* (Vol. V, #5:4).

הרשב"א, הובא בברכ"י). ויש שכתבו לכתחילה להחמיר בזה, ושרק בדיעבד יש להקל. [כה"ח ס"ק י]. ויש שהקילו בזה אף לכתחילה. [הלכה ברורה עמ' רעה-רעו]

ואף הניילון השקוף שמניחים בתוכו הקוראג'ה נחשב כיסוי, כאשר הכיסוי השני הוא בלתי שקוף. [ראה משנ"ב ס"ק ז, כה"ח ס"ק יג, פסקי תשובות אות ה]

יז. ספרי קודש הכתובים בכתב יד יש בהם קדושה (אף שאין כתובים בכתיבת סת"ם), ואם נמצאים בחדר, צריך שיהיו כלי בתוך כלי. [ראה משנ"ב ס"ק ד, כה"ח ס"ק יד]. והכריכה של הספר, יש אומרים שאינה נחשבת כיסוי, וצריך מבלעדה עוד שני כיסויים [משנ"ב ס"ק ד]. ויש אומרים שהכריכה נחשבת כיסוי אחד, ודי בזה שיכסה את הספר בעוד כיסוי שאינו מיוחד להם, בכדי שיחשב כלי בתוך כלי. [חסד לאלפים, הובא בכה"ח ס"ק יד, וכן פסק בהלכה ברורה עמ' רעט]

וספרים קודש הנדפסים בדפוס, נחלקו האחרונים אם צריך לכסותם בכלי בתוך כלי, או שמספיק בכיסוי אחד. ולהלכה, יש שכתבו שבשעת הדחק אפשר להקל. [כה"ח ס"ק טז]. ויש שהקילו בזה אף לכתחילה, שלא צריך כלי בתוך כלי, ומספיק כיסוי הכריכה להחשב ככלי. ובפרט בדפוס חשמלי

be left in the room in this case, but others ruled that one should still try to cover them or move them to another room.[335]

The clear plastic pouch that is used often to protect the *kuracha* is considered a container. As long as one of the containers is opaque, it is sufficient.

Handwritten Torah books

17) Handwritten books of Torah content have a special sanctity even if not written in the square script used in a Torah scroll. Therefore, if they are found in a couple's bedroom, they must be enclosed in two containers. The *Poskim* debated whether the outside cover of these books is considered one container. According to those who ruled that it is, only one more cover is necessary, as long as the second cover is not one designated for such books.

Printed Torah books

The *Poskim* also debated whether mechanically printed Torah books must be covered with two covers or if one cover is sufficient. Some ruled that only one cover is necessary, especially since in modern printing the letters are not raised above the surface of the paper. Others ruled that one should rely on this leniency only

335. According to the *Magen Avraham* and the Maharita"tz, a container designated for tefillin and other objects is still considered a container designated for tefillin. Therefore, if the tefillin are in a pouch that is inside this container, it is not considered to be a case of "enclosed in two containers." According to Harav Yaakov Castro and the Mahar"i Tzemah, the outer container is not considered one designated for tefillin and therefore this is a case of "enclosed in two containers."

The *Kaf Hahayim* Sofer ruled that one should try to follow the more stringent opinion, but the *Halakha Berura* ruled leniently, since more recently it was discovered that the Rashb"a also ruled leniently. The *Orhot Hayim* Spinka, however, argued that this "Rashb"a" is not the famous *Rishon* with whom we are familiar, and that this is not necessarily an authoritative ruling. In a footnote to HaKeter Institute's edition of *Bene Tziyon* (Lichtman), the Ri'a"z is cited ruling stringently regarding this. Therefore, it is best to follow the ruling of the *Kaf Hahayim*.

שבזמנינו שאין בו הטבעת אותיות בולטות. [הלכה ברורה עמ' רפ]. ולהלכה, יש להחמיר בזה, ואם מכסה כל גופו בסדין גדול ורחב, אפשר להקל בשעת הדחק גם כשאין הספרים בכלי בתוך כלי. [הליכו"ע ח"ג עמ' צד. וע"ע יבי"א ח"ט חיו"ד סו"ס כב]

יח. חדר שמזוזה קבועה בפתחו, אפילו נמצאת המזוזה בפנים החדר, ואין שם דלת כלל, מותר לשמש בו מטתו, שהרי המזוזה נמצאת למעלה מעשרה טפחים, והיא קבועה ומחוברת אל פתח הבית. וכל שכן שיש להקל אם המזוזה מכוסה, אפילו בכיסוי אחד. [הלכה ברורה עמ' רפא עפמ"ש ביבי"א ח"ג חיו"ד סי' טז סוף אות א, וכ"ה בילקו"י שובע שמחות עמ' תקסב]

יט. אין לעשות צרכיו בחדר שנמצאים שם התפילין, וצריכים לכסותם בכלי בתוך כלי, כאמור. [ראה משנ"ב ס"ק ה]. וכן אין להחליף לילד טיטול בחדר שהתפילין שם מגולים. ובספרים יש מקילים. [ראה פרטי הדינים בפסקי תשובות אות ד]

when it would be difficult otherwise. In practice, if the books are enclosed in only one cover the couple should cover themselves with a sheet or blanket.[336]

Marital relations in view of a mezuzah

18) It is permissible for a couple to have marital relations in a room with a mezuzah affixed on the doorpost, even if there is no door and the mezuzah is on the inside of the doorpost. This is because the mezuzah is fastened to the wall and it is higher than ten *tefahim* from the floor. It is certainly permissible if the mezuzah is covered, even with only one cover.

Defecating in a room with tefillin

19) It is forbidden for a person to defecate in a room containing tefillin unless the tefillin are enclosed in two containers, as described above. Likewise, it is forbidden to change an infant's diaper in a room containing uncovered tefillin. Some *Poskim* ruled that it is permissible to change a diaper in a room containing Torah books.

Day 90

336. The *Kaf Hahayim* Sofer (40:14) explained that the *Aharonim* debated whether mechanically printed books need two covers, and ruled that when it would be difficult otherwise one may follow the lenient opinion and suffice with one cover. He likewise explained that the *Poskim* debated whether the book's bound cover can be considered one cover, or if two other covers are necessary. In practice, he ruled leniently that one other cover is sufficient if it is not possible to use two covers. If the book is handwritten, however, it must be covered with two covers.

The *Halakha Berura* ruled that the book's binding is definitely considered one cover, following the ruling of the *Hesed La'alafim*, which is based on Rashbe''tz and Rabbenu Menahem Hame'iri. Therefore, if it is a handwritten book, it needs only one cover besides its own binding. If it is mechanically printed, no other cover is needed at all. Even so, the *Halakha Berura* concluded that it is best to cover it.

Maran the Rishon Letziyon (*Halikhot Olam* Vol. III, page 94) ruled that if it is not possible to cover the printed books in the room, the couple may simply cover themselves with a sheet or blanket. Apparently, his ruling is that the couple must either cover the books or cover themselves. See also responsa *Yabia Omer* (Vol. IX, *Y.D.* #22).