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.

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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).

כ. אסור להניח התפילין תחת רגליו, אפילו אם יניחם בכלי תוך כלי [ש"ע סי' מ ס"ג], מפני שנוהג בהם מנהג בזיון [בית יוסף שם, כה"ח ס"ק כג]. וכן אסור להניחם תחת מראשותיו כנגד ראשו, אפילו הם בכלי תוך כלי [ש"ע שם], שהוא גם כן דרך בזיון. [ב"י ומשנ"ב]

ולהניח התפילין בין הכתר לכסת שלא כנגד ראשו, אם אין אשתו עמו (ר"ל שאינו רוצה לשמש), מותר. ואם אשתו עמו (שרוצה לשמש), צריך ליתנם בכלי בתוך כלי כאמור. [ש"ע שם סעיף ג-ד]

ויש בזה עוד פרטי דינים, נתבאר בשלחן ערוך ובאחרונים בסימן מ' סעיפים ג'-ז', ובעוד יוסף חי הלכה ט"ז-י"ז.

כא. מי שידיו נגעו במקום הטינופת, או בשאר מקומות המכוסים, לא יאחז לא בבתים ולא ברצועות, עד שיטול את ידיו. [ראה ש"ע סי' מ סעיף ה-ו, ובביאור הגר"א סי' ד סכ"א]. ואם התפילין בנרתיקם, או שאוחזם על ידי מטפחת, מותר. [שו"ת משנה הלכות ח"א סי' יב]

Tefillin under a person's head or feet

20) It is forbidden to place tefillin under one's legs or feet, even if the tefillin are encased in two containers. Likewise, it is forbidden to lie down with tefillin underneath one's head, even if the tefillin are encased in two containers. In both cases, it would be considered disrespectful to the tefillin.[337]

It is permissible to place tefillin under a pillow on one's mattress, and to lie down on the bed. If a married couple wishes to be intimate, however, the tefillin must be encased in two containers, as explained above.[338]

For more details on this general subject, see the *Shulhan Arukh* and *Aharonim* in *Siman* 40, halakhot 3 through 7, and the *Od Yosef Hai* (*parashat Haye Sara* halakhot 16 and 17).

With soiled hands

21) If a person's hands are soiled or if he touched a part of his body that is normally covered, he must rinse his hands clean before touching any part of *tefillin* with his bare hands.[339] He may touch the tefillin *kuracha* even before he rinses his hands, and he may touch the tefillin through a cloth.

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337. The *Od Yosef Hai* (*parashat Haye Sara* halakha 16) observed that some people have the practice of placing a book of *Tehillim* under the pillow of a newborn infant. This is incorrect, he complained, since it is forbidden to place a sacred object under one's head.

338. Can a pillow count as a cover?

The *Mishna Berura* (40:10 and 11) and the *Od Yosef Hai* (*parashat Haye Sara* halakha 16) ruled according to the opinion of the *Magen Avraham* (40:4) that it is permissible to lie down on a bed with tefillin placed on the mattress under a pillow, even if the tefillin are not encased in any container whatsoever. If a couple wishes to be intimate, then the tefillin must first be encased in two containers, but the pillow covering them counts as the second container or cover. This follows the opinion of Rabbenu Yona. Although Maran in the *Bet Yosef* ruled according to the opinion of Rambam that the pillow does not count as a cover at all, the *Magen Avraham* asserted that Maran changed his mind when he composed the *Shulhan Arukh*.

The *Eliya Rabbah* and *Ma'amar Mordekhai*, however, maintained that Maran did not change his mind. Therefore, they ruled that the pillow does not count as a cover, and if someone wishes to lie down on the bed he must place the tefillin in another container. If a couple wishes to be intimate, the tefillin must be encased in two containers other than the pillow.

The *Kaf Hahayim* Sofer (40:25) cited this debate without issuing a final ruling. The *Halakha Berura* ruled according to the stringent opinion.

339. The source for this halakha is the ruling of the *Shulhan Arukh* (5:6): "If someone mistakenly forgot to take off his tefillin and was intimate with his wife, he

כב. ספסלים שבבית הכנסת שתחת הספסלים יש תיבה להצניע שם טלית ותפילין (והיה מצוי בזמנם), יש אומרים שאסור לישב על הספסלים. ויש מתירין. אבל כשיש חלל טפח בהתיבה פנוי מותר ודאי לישב על הספסלים. ובעל נפש ראוי לו להחמיר שלא במקום הדחק גם כשיש חלל טפח, כי יש להזהר מאוד בקדושתן של התפילין. ואם קבעו במסמרים לכותל מותר לישב על הספסל. [משנ"ב ס"ק יג] **ותפילין** הנמצאים בתוך שקית או מזוודה וכדומה, אסור לישב עליהם, ואפילו יש שם עוד דברים, משום שמהדק התפילין בכובדו והוא בזיון, ואפילו התפילין כיס בתוך כיס. [ראה כה"ח סי' מא ס"ק ה (בשם פתח הדביר ויפה ללב). וע"ע בפסקי תשובות אות ו]

Tefillin under one's seat

22) Some synagogues benches are built with a cubby under the seats for people to store their tallit and tefillin. This used to be quite common. The *Poskim* debated whether or not it is permissible to sit on top of a cubby containing tefillin. They agreed that it is technically permissible as long as the tefillin are at least a *tefah* below the seat of the bench. Nevertheless, a God-fearing person should avoid sitting over tefillin even in this situation, since it is important to be very vigilant regarding the sanctity of tefillin. If the bench is nailed or screwed to the wall, it is definitely permissible to sit on it.[340]

Sitting on tefillin in a suitcase

It is forbidden to sit on a suitcase or bag containing tefillin, even if there are other items together with the tefillin. It is disrespectful for the tefillin to have the weight of one's body resting on them, even if the tefillin are encased in several containers.

must not touch the tefillin housings or straps until he rinses his hands clean. This is because it can be assumed that he touched something unclean." This is based on the Talmud's teaching in *Sukkah* (26b) with Rashi's explanation.

The *Piske Teshuvot* (40:7) explained that this means he touched genuine filth, meaning his semen or some other body waste. If he did not touch any such filth, but he touched a body part that is normally clothed and needs to rinse his hands, it is not absolutely forbidden for him to touch tefillin. It is considered an act of piety to rinse his hands in this case.

This interpretation is based on the *Sefat Emet* (comment to *Sukkah* 26b), who ascertained that if Rashi meant that the person must rinse his hands because he touched a body part that is normally covered, this halakha would apply to anyone who fell asleep while while wearing his tefillin, not only someone who engaged in marital relations while wearing his tefillin. Therefore, it must be that the case here is where the man likely touched his semen and only then is it forbidden for him to touch tefillin. The *Sefat Emet* concluded that this matter needs more research.

Since the *Sefat Emet* did not issue a definite ruling, the *Piske Teshuvot* should not have cited it as if there is definitely such a lenient opinion. The simple reading of Rashi does not suggest the *Sefat Emet's* novel interpretation. The Rashb"a (responsa Vol. I, #193) ruled that one must wash hands after touching any body part that is normally covered, just as much as after touching actual body waste. This is likewise the ruling of the *Shulhan Arukh* (4:21), and it is likely what this Rashi means as well. In fact, Harav Eliyahu of Vilna (gloss to *Siman* 4:21) cites this responsum of Rashb"a and connects it the Talmud's teaching in *Sukkah* 26b. This is clear support for the ruling appearing here.

340. The responsa *Bene Yona* (#282:7), cited in *Piske Teshuvot* (40:6), ruled that if the chest containing the tefillin has the dimensions of at least three cubic cubits (a cubit = 48 cm), the chest has the status of a separate room. Then it is permissible to sit on the chest.