ז. אסור לשנות הבתים והרצועות של תפלין דרש״י לעשותם תפלין דרבינו תם, וכן להיפך, אסור לשנות הבתים והרצועות של תפלין דרבינו תם לעשותם תפלין דרש״י. וגם הכיס שמניח בו התפלין, לא יחליף הכיס של תפלין דרש״י לעשותו כיס של תפלין דרבינו תם, וכן להיפך. שכל זוג תפלין קובע קדושה בפני עצמו. [הליכות עולם ח״ח עמ׳ שטו, יביע״א ח״ז סי׳ ז אות ג]

Switching parts of tefillin "of Rashi" and "of Rabbenu Tam"

7) It is forbidden to take tefillin *battim* or straps that were used for tefillin "of Rashi" and use them for tefillin "of Rabbenu Tam." Likewise, it is forbidden to take tefillin *battim* or straps that were used for tefillin "of Rabbenu Tam" and use them for tefillin "of Rashi." In fact, it is forbidden to use a *kuracha* for tefillin "of Rabbenu Tam" if it had been designated and used for tefillin "of Rashi," or vice versa. Each of these types of tefillin has its own unique level of sanctity, and switching one for the other would be a desecration of that sanctity.[364]

364. The *Od Yosef Hai* (*parashat Vayera* halakha 8) ruled that it is forbidden to take a tefillin *kuracha*, tefillin straps, or tefillin housings that had been used for tefillin "of Rabbenu Tam" and use them for tefillin "of Rashi." This is because tefillin "of Rabbenu Tam" have a higher sanctity than tefillin "of Rashi" and it is forbidden to use these items for a mitzvah with a lower level of sanctity. It is permissible, however, to take these items from tefillin "of Rashi" and use them for tefillin "of Rabbenu Tam" since this raises their level of sanctity. Although many *Poskim* who do not follow the teachings of the Kabbalah ruled that it is forbidden in both directions, that is because they base their ruling on the assumption that only one type of tefillin is correct and the other has no sanctity whatsoever. The Arizal, however, taught that both types are correct, and that the tefillin "of Rabbenu Tam" are more sacred than those "of Rashi."

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. VII, #7:3) disagreed with the ruling of the *Od Yosef Hai*, pointing out that he had already demonstrated (*Yabia Omer* Vol. I, #3:10) that according to the Sages of the Talmud (*Eruvin* 96b, *Avoda Zara* 44a) only one type of tefillin is valid. The practice of wearing both tefillin "of Rashi" and tefillin "of Rabbenu Tam" is based on our lack of certainty in choosing the valid set. It is clear, furthermore, that the halakha follows the opinion of Rashi and Rambam, and this is the ruling of the *Shulhan Arukh* (34:1). This is likewise the opinion of Rashb"a (responsa *hamyuhasot* #234), and it was the practice of Ramba"n and Rabbenu Yona. Accordingly, it is definitely forbidden to take items used for tefillin "of Rashi" and use them for tefillin "of Rabbenu Tam." We must assume that by doing so we would be using the items for something of lower sanctity.

Furthermore, Harav David ben Zimra ruled that it is forbidden to change tefillin "of Rabbenu Tam" into tefillin "of Rashi" since it is disrespectful to the *Poskim* who ruled according to Rabbenu Tam's opinion. He claimed that this ruling was revealed to him in a dream. A number of *Poskim* (responsa *Darkhe No'am*, *Avne Tzedek*, *Zera Emet*) concurred with this. This being the case, it is forbidden to change items that had been used for tefillin "of Rabbenu Tam" to use for tefillin "of Rashi."

Maran the Rishon Letziyon pointed out that the *Od Yosef Hai's* leniency is based on the Kabbalah and ignores the opinion of the Talmudists. Since the Talmud clearly validates only one type of tefillin and not the other, we are certainly obligated to follow the ruling of the great *Poskim* despite the opinion of the Kabbalah.

If someone mistakenly inserted parchments of tefillin "of Rabbenu Tam" into *battim* that had been designated for tefillin "of Rashi" and the mistake was discovered only after the tefillin had been used for the mitzvah, it is permissible to remove the parchments and replace them with parchments of tefillin "of Rashi." This is the ruling of the responsa *Shevet Halevi* (Vol. IV, #4), explaining that since the parchments were inserted by mistake, the *battim* do not assume the identity of tefillin "of Rabbenu Tam," and they may be used with scrolls written for tefillin "of Rashi." Besides, he added, there are *Poskim* who ruled that items designated and used for tefillin "of Rabbenu Tam" may be used afterward for tefillin of Rashi. It is likely that Maran the Rishon Letziyon would concur with this lenient ruling.

ונכון להחמיר בזה אפילו בתפילין חדשים שלא הניחו אותם מעולם. [ראה ביאוה"ל סי' לד ס"ד ד"ה הוא חול, קול יעקב ס"ק טז]
אמנם אם התנה מתחילה על התפילין של רש"י (הרצועות או הפרשיות) לעשותן אחר כך של רבינו תם, וכן להיפך, רשאי לשנותן. [קול יעקב סי' לד ס"ק יז]

בענין שימוש בנרתיק התפילין לדברי חול

ח. דינים אלו מתחלקים לשלשה חלקים:
א. "אזמניה וצר ביה": סודר שהזמין וייעד אותו שישמש נרתיק עבור התפילין לעולם, וגם הניח התפילין בתוכו אפילו פעם אחת, שוב אסור להצניע בו מעות, ולא להשתמש בו לשום דבר חול [עי"פ ש"ע סי' מב ס"ג], וכן אסור לשים בו שום דבר שקדושתו למטה מקדושת התפילין כגון מזוזה. [ראה

It is recommended to observe these rules even if the tefillin are brand new and have not yet been used for the mitzvah.[365] Nevertheless, if someone stipulated before he began using the straps or scrolls that he should be able to use them for tefillin "of Rashi" and some time later switch them for tefillin "of Rabbenu Tam," or vice versa, it is permissible to switch them.[366]

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Using a Tefillin *Kuracha* for Mundane Purposes

Designating and using a *kuracha*

8) This subject can be divided into three sections: **a)** If someone designated a cloth pouch to be used as a *kuracha* for tefillin on a permanent basis and inserted tefillin into the pouch at least one time, it is forbidden to use it for money or some other mundane purpose. [This is the halakha even if he did not think about his original intentions when he placed the tefillin in the pouch, meaning he did not think about his decision to use it permanently for this purpose, nor did he change his mind

365. The *Darkhe No'am*, cited in the *Be'er Hetev*, ruled that the items may be switched since they had never been used in the manner for which they were designated, and designating alone does not establish an item's status, as explained above in halakha 3. The *Arokh Hashulhan* Tayeb, however, argued that once an item has been designated for some sacred use, it may no longer be demoted and used for a mundane purpose. Since it was never actually used in the manner for which it was designated, it may be changed to another sacred use, whether the change is to a higher sanctity or to a lower sanctity. It must be used for some sacred purpose and not for a mundane purpose since it had been designated for a sacred use. Regarding tefillin "of Rabbenu Tam" and tefillin "of Rashi," we assume that one set has no sanctity whatsoever, and therefore it ought to be forbidden to switch an item designated for one type of tefillin and use it for the other even if it has never been used. The *Mishna Berura* (42:20) ruled leniently according to the *Darkhe No'am*, but he cited the stringent opinion in the *Bi'ur Halakha* (34:4), adding that one should follow it if possible. The *Halakha Berura* (Vol. III, page 12) likewise recommended following the stringent opinion.

366. The responsa *Darkhe No'am*, cited in the *Mishna Berura* (34:20), states that one may not change the items even if one first stipulated one's intentions to change them whenever one wishes, since one may not switch a sacred item to use it for a mundane purpose despite one's stipulation. The *Kol Yaakov* (34:17), however, cited the *Zera Emet* and other *Aharonim* ruling that this is permitted. The *Otzerot Yosef* (Vol. III, page 23) suggested that if the *Mishna Berura* had known of these *Aharonim* he would have concurred with the lenient ruling.

משנ"ב ס"ק טז]. אם חסר אחד מן התנאים הנ"ל, מותר להשתמש בכיס עבור דבר חול, וכמבואר בחלק ב' וג'.

ב. "אזמניה ולא צר ביה": הזמין וייעד את סודר עבור נרתיק התפילין, אך בפועל עדיין לא הניח בו תפלין כלל, מותר לתת שם מעות.

ג. "צר ביה ולא אזמניה": הניח בו תפילין, אך לא הזמינו וייעדו עבור זה, מותר לתת שם מעות. [ראה ש"ע שם]. ויש לדינים אלו כמה פרטים, וחילוקי דינים, וכפי שיתבאר לקמן.

ט. דין "אזמניה וצר ביה": ייעוד התפילין האוסר שימוש חול בנרתיק (אחר שצר בו תפילין) הוא דוקא כשהייעוד הוא לעולם, אבל אם ייעד את הכיס באופן זמני אין זה בגדר "אזמניה", ורשאי ליתן בו מעות, או לשנותו לדבר חול. [ראה ש"ע שם]. וייעוד בסתמא נחשב כייעוד לעולם. [ראה משנ"ב ס"ק יב]

to use it only temporarily.] In fact, it is even forbidden place other sacred items in the pouch if the sanctity of those items is less than that of tefillin. For example, it is forbidden to place a mezuzah scroll in a pouch designated for tefillin, since a mezuzah is less sacred than tefillin.

b) If the pouch was designated to be used permanently for tefillin, it may be used for money or for another purpose as long as it had never yet been used for tefillin.

c) If someone placed tefillin in a pouch but had not decided to designate it permanently for tefillin, it is likewise permissible to use it for money.[367]

A temporary designation

9) This halakha applies only if the owner of the pouch designated it to be used permanently for tefillin. If his intention was to use it for tefillin only temporarily, it is not considered a "designation," and he may place money or some other article in the pouch at any time. If the person had no particular intentions when he designated the pouch for tefillin, it has the status of a permanent designation.[368]

367. The Talmud states (*Berakhot* 23b): Rav Hasda taught, "If a sack has been designated to be used permanently for tefillin, and tefillin are then placed into the sack, it is forbidden to ever place money in that sack." We may deduce from this that if the sack had been designated but not yet used, or if it was used for tefillin but had never been designated to be used permanently for tefillin, it is permissible to place money inside the sack. These are the rulings of the *Rishonim* and the *Shulhan Arukh* (42:3).

368. The *Shulhan Arukh* (42:3) states specifically that the sack was designated permanently for tefillin. The *Aharonim* added that if someone designated the sack for tefillin without specifying otherwise, it is considered to be designated permanently for tefillin. See the *Mishna Berura* (42:12).

Many *Aharonim*, however, stated that this applies only to a sack fashioned specifically to hold tefillin. Once someone designates it for tefillin, it is assumed to be a permanent designation. If the sack is not fashioned specifically for tefillin and it was not specifically designated to be used permanently for tefillin, it is not considered a permanent designation. Harav Eliyahu of Vilna, however, ruled it is always considered a permanent designation unless stipulated otherwise, even if the sack was not fashioned specifically for tefillin. These two opinions are cited in the *Mishna Berura* (42:12) and the *Halakha Berura* (page 300) without a definite ruling.