חולקים וסוברים שאין לסמוך להקל, אם לא בתנאי מפורש שיתנה בעת שנותן בו התפילין שיהא לו רשות ליתן בו דברי חול כשיצטרך לו. [קול יעקב ס״ק כ]. ועל כל פנים לכתחילה אין לעשות כן. [משנ״ב סוף ס״ק יא] ולכן אין לתת אפילו סידור בתוך כיס שהיה מיוחד לתפילין בלבד. ולסברת המקילים הנ״ל גם בזה יש להקל ואין למחות בזה, שכיון שרגילים בכך נחשב כאילו התנו מעיקרא. [ראה משנ״ב ס״ק טז]. אולם לסברת החולקים, אין להקל בזה, אלא אם כן התנה על כך מתחילה.

יח. תיק של טלית אינו נחשב ״תשמיש קדושה״, אלא ״תשמיש מצוה״, ולכן מותר להניח בו שאר דברים של חול. [משנ״ב ס״ק יא]

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the *kuracha*. It is recommended to follow the stringent opinion, and therefore one should not place a prayer book into one's tefillin *kuracha* unless one stipulated that one wishes to use the *kuracha* in this way before one began using it. This would be permissible according to the first opinion even if one had not stipulated.[373]

A *kuracha* for a tallit

18) A tallit *kuracha* does not have the status of *tashmish kedusha* (an accessory for sacred items). Its status is that of *tashmish mitzvah* (an accessory to an item used for a mitzvah). Therefore, it is permissible to place mundane items in a tallit *kuracha*.

Tashmish detashmish

19) An item used as a *tashmish detashmish* (an accessory of an accessory) has no inherent sanctity. Nowadays, our practice is to insert the tefillin into plastic cases before placing them into the *kuracha*. Therefore, the *kuracha* has the

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373. The *Ture Zahav* defended the practice of those who place mundane items in their tefillin *kuracha* when they are traveling, suggesting that we view it as if they had stipulated to allow this since that is their common practice. The *Mishna Berura* (42:11) added that this practice is not recommended despite the lenient ruling. The *Mishna Berura* (42:15) ruled, moreover, that it is forbidden to place a prayer book inside a *kuracha* designated for tefillin. Here as well, we cannot protest those who have this practice, since it is as if they stipulated to permit it.

The *Matte Yehuda*, however, disagreed with the *Ture Zahav*, arguing that we cannot consider it as if the person had automatically stipulated to permit these practices. They cannot be permitted unless the person actually stipulated that he wishes to use the sack in this manner. The *Kol Yaakov* (42:20) and *Bet Oved* ruled that we should follow the opinion of the *Matte Yehuda*, and the *Halakha Berura* (page 301) concurred with this.

Tefillin marker and mirror

Harav Shelomo Zalman Auerbach (*Halikhot Shelomo Tefilla* page 58) ruled that it is permissible to keep a small mirror in the tefillin *kuracha* so that the wearer can check to see that he has positioned his *tefillin shel rosh* correctly, and it is not necessary to stipulate at first to permit this. We may automatically assume that the original designation of the *kuracha* was for "tefillin and all tefillin needs." The stringent ruling of the *Mishna Berura* and *Kol Yaakov* applies to using the *kuracha* for things unrelated to the mitzvah of tefillin such as a prayer book, but we can be more lenient regarding items needed to enhance the mitzvah of tefillin itself. The same should apply to a black marker used to touch up the *battim* or straps where the black color has worn away. Even so, the *Halikhot Shelomo* recommended keeping the mirror in the tallit's *kuracha*.

Nowadays, we enclose our tefillin in plastic cases that cover them on all sides. Therefore, there is more room to be lenient and permit keeping these items in the *tefillin kuracha*, as explained in the following halakha.

יט. "תשמיש דתשמיש", אין בו קדושה כלל. [משנ"ב ס"ק יא]. ולכן כיום שמניחים את התפילין בתוך קופסאות המכסים את התיתורא והמעברתא, ומניחים אותם כך בתוך התיק של התפילין, נחשב תיק התפילין ל"תשמיש דתשמיש" ומותר להניח בתיק זה דברי חול, או סידור תפלה וכיו"ב. [ראה ביאור הלכה סי' לד ס"ד ד"ה שתי]

status of *tashmish detashmish*, and it is permissible to place a prayer book or even mundane items inside it.[374]

Some *Poskim* disagreed with this ruling, since the straps are not inserted into any other covers, and since the sacred letters *yod* and *dalet* are formed by the straps, they have the status of a full-fledged sacred item. If so, the *kuracha* is a *tashmish kedusha*, not a *tashmish detashmish*.[375]

374. Name tags

Harav Yosef Shalom Elyashiv ruled (*kuntras Hilkhot Tefillin*) that it is permissible to keep a card or slip of paper with one's name and telephone number in one's tefillin *kuracha*. He argued that as long as one uses the plastic covers for one's tefillin, the *kuracha* is considered only *tashmish detashmish*. Furthermore, it is necessary to keep this information inside the *kuracha* so that it will be possible to retrieve the *tefillin* if they get lost. This is similar to the ruling of Harav Shelomo Zalman Auerbach, cited in the previous footnote, permitted one to keep a mirror or tefillin marker in the *kuracha*. Even though there are *Poskim* who rejected the first argument cited by Rav Elyashiv, we can rely on the second argument.

375. Plastic box covers

Some *Poskim* ruled that once the tefillin are inserted into the plastic cases they are considered covered even though the straps are outside the boxes. The straps are not sacred in and of themselves; their status is only *tashmish kedusha*. This being the case, the *kuracha* is a container for the plastic cases, not for the tefillin themselves, and thus it is *tashmish detashmish*.

Other *Poskim* argued that the plastic cases are not enough since they do not cover the knots on the straps, and the *Bayit Hadash* deduced from Rashi that since these knots represent letters of God's Name, they are sacred as well. Therefore, the *kuracha* must be considered a *tashmish kedusha* and not *tashmish detashmish*.

How to dispose of an old tefillin *kuracha*

According to those who consider the tefillin *kuracha* to be *tashmish detashmish*, it is permissible to discard a used *kuracha* together with the garbage. According to those who consider it to be *tashmish kedusha*, it is necessary to retire it along with other used sacred items (in the vernacular – put it in the *geniza*). Harav Shelomo Zalman Auerbach ruled (*Halikhot Shelomo Tefilla* page 58) that the *kuracha* is only *tashmish detashmish* since the tefillin are first inserted into their plastic cases, and therefore it is permissible to discard it when it is worn out. This is likewise the opinion of the *Halakha Berura* (*Siman* 154, page 470). For some reason, these *Poskim* did not consider the stringent opinion cited in the *Bi'ur Halakha*, whereas the *Minhat El'azar* and the *Divre Yatziv* ruled stringently. In truth, it is apparent that Maran the Rishon Letziyon also ignored the stringent opinion, since he ruled (responsa *Yabia Omer* Vol. VIII, footnote to #19:3) that it is permissible to take a strap that had been used for *tefillin shel rosh* and use it for *tefillin shel yad*, since the straps have the status of *tashmish kedusha*. Maran the Rishon Letziyon noted, however, that Harav Zalman did not permit this.

The *Piske Teshuvot* (42:4) ruled that a wornout tefillin *kuracha* must be retired in *geniza* and not discarded in the garbage, basing this ruling on the *Mishna Berura* (154:7). According to this discussion, however, this deduction is incorrect. In previous generations, before people used plastic cases to cover their tefillin, the tefillin were placed directly in the *kuracha*, and so of course the *kuracha* had the status of *tashmish kedusha*. Nowadays, however, almost everyone uses the plastic cases, and the *kuracha* is not more than *tashmish detashmish*, which does not need to be retired in *geniza*. Nevertheless, according to those who take into account the concept that the straps themselves are sacred items, the tefillin *kuracha* is still a *tashmish kedusha* and must be retired in *geniza*.

Harav Shelomo Zalman Auerbach added that it is permissible to sit on a seat or bench while tefillin straps are laying on it, but it is forbidden to leave tefillin straps hanging down to the floor.

ויש חולקים שאין מועיל כיסוי הקופסאות, מאחר שקשרי הרצועות (היו"ד של יד והדל"ת של ראש) אינם מכוסים בקופסאות, ודינם כקדושה עצמה, ונמצא כיס התפילין "תשמיש קדושה", ולא "תשמיש דתשמיש". [ראה מנחת אלעזר ח"א סי' כז, דברי יציב ח"א סי' מח, וראה ביאוה"ל ס"ב ד"ה משל ראש]

ויש שהקילו בזה על פי הסברא שהבאנו בהלכה י"ז שכיון שרגילים להניח שם שאר דברים, נחשב כאילו היתנו מעיקרא. וגם בצירוף סברת ה"שער אפרים" (הובאה בביאור הלכה ד"ה אסור), שכל מה שעודף על מקום הנצרך לתפילין לא מיקרי צורך תפילין.

ומכל מקום נכון להחמיר שיתנה בפירוש מעיקרא קודם שיניח בו התפילין לראשונה, שישתמש בכיס גם לשאר דברי חול, ואז יוכל להניח שם הסידור וכיו"ב בלי שום פקפוק. [ראה פסקי תשובות אות ד, הלכה ברורה עמ' שא]

כ. מותר להניח דברי חול בכיס הניילון העוטף את הנרתיק שמונחים בו התפילין, כיון שנחשב "תשמיש דתשמיש". [פסקי תשובות אות ד]

There are *Poskim* who ruled leniently in this case since people commonly place other items in their tefillin *kuracha*, as explained above in halakha 17, and it is as if they had stipulated from the beginning to permit this. Furthermore, the *Sha'ar Efrayim* forwarded another argument that the portion of the *kuracha* that is not needed for the tefillin does not gain the status of *tashmish kedusha*. Despite all these arguments, it is best to stipulate before using the *kuracha* that one wishes to be able to place even mundane items inside it. Then, one definitely may place one's prayer book or other items inside it.

Plastic cover for the *kuracha*

20) It is permissible to place mundane items in the protective plastic cover made especially for the tefillin *kuracha*. This cover has the status of *tashmish detashmish*.[376]

Tefillin *kuracha* inside the tallit *kuracha*

21) Many people place their tefillin *kuracha* inside their tallit *kuracha* together with the tallit. The tallit *kuracha* then gains the status of *tashmish detashmish* only, and it is permissible to use it for any mundane items. Even if someone has only one *kuracha* and he uses it for both his tallit and his tefillin, he may use it for

376. That is, even if we follow the stringent opinion that the *kuracha* has the status of *tashmish kedusha* since the plastic cases do not cover the straps, and even if we reject the notion that there is automatically a stipulation to permit placing mundane items in the *kuracha*, and even if we do not rely on the *Sha'ar Efrayim* mentioned in this halakha, it is still permissible to place mundane items in the protective plastic cover surrounding the *kuracha*. The plastic cover has the status of *tashmish detashmish* and therefore no stipulation is necessary to permit placing mundane items inside it.

כא. תיק שמונחים בו גם הטלית וגם התפילין, אם נותן את התפילין בתוך כיס, ואת הכיס נותן בתוך התיק, אזי מותר ליתן בתוך תיק זה דברי חול בלא פקפוק, משום דהוי תשמיש דתשמיש. **ואם** נותן בתוך התיק זה התפילין עצמם יחד עם הטלית, אפשר יהיה להקל בעת הצורך ליתן בתוכו דברים של חול, שכיון שתיק זה מיועד גם לטלית שהוא נחשב לדברים של חול, הוי כאילו התנה.

[משנ"ב ס"ק יא, וע"ע ביאוה"ל ד"ה תפלין]

כב. לא יניח תפילין של ר"ת יחד עם תפילין של רש"י בכיס אחד, כיון שהאחד מהם הוא חול, ואסור להניחו בכיס התפילין. [ש"ע סי' לד ס"ד]. אולם אם הכיס נעשה מתחילה להניח בו שניהם, שרי, שנחשב כאילו היתנה. [משנ"ב שם ס"ק יח, קול יעקב שם ס"ק יד]. ונתבאר למעלה בסימן ל"ד.

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mundane items when he needs to. Since he has designated the *kuracha* for his tallit besides his tefillin, it is equal to having stipulated that he will plans to use it for mundane items, as explained above in *Siman* 34.

Rashi* & *Rabbenu Tam*, into a single *kuracha

22) It is forbidden to place both sets of tefillin, *Rashi* and *Rabbenu Tam*, into a single *kuracha* since one of the sets is not kosher and does not have the sanctity of tefillin. If someone designated his *kuracha* for both sets when he began using it, however, it is permitted. This was explained above in *Siman* 34:9.