כח. אם מניח את התפילין מידי פעם (אפילו פעם בשבוע), צריכין בדיקה פעם בכל שלוש וחצי שנים. [ש"ע סי' לט ס"י]. והטעם, שכיון שאינו מניחן תדיר ואין אויר שולט בהם, חיישינן שמא הלחות נכנס בכתיבה ונתקלקלו, וכל שכן אם הם עומדים במקום לח. [קול יעקב ס"ק מ, ועי' משנ"ב ס"ק כז].
ואם אין שם מי שיכול לבודקם, או מי שיכול לתופרם, יניחם כך בלא בדיקה, [רמ"א שם], אך לא יברך עליהם.

כט. תפילין שנקרע חיפוי הבתים או שנפלו במים, צריך תיכף לבודקם, שמא נמחק הכתב או נתקלקל. ואם אין לו מי שיבדוק אותם, יניחם בלא ברכה. [משנ"ב ס"ק כו, קול יעקב ס"ק מא]

Tefillin worn only occasionally

28) If someone wears his tefillin only occasionally,[315] they must be examined once every three-and-a-half years. The exemption from having tefillin examined applies only to tefillin that are worn every weekday. If they are not worn every day, they are more likely to be ruined by moisture that makes its way to the parchments and damages the writing. This is especially so if they are stored in a location susceptible to dampness.

If no one is available who is capable of examining the tefillin and putting them back together, one may continue to wear them, but without reciting the blessing for the mitzvah.[316]

Day 85

If the *battim* are damaged

29) If the tefillin *battim* are damaged, or if the tefillin fall into water, they must be examined before they can be worn again, since there is good reason to suspect that the parchments have been damaged. If no one is available who is capable of examining the tefillin and putting them back together, one may continue to wear them, but without reciting the blessing for the mitzvah.[317]

315. The *Matte Yehuda* Ayash (39:8, cited in the *Kol Yaakov* 39:39) debated the meaning of "occasionally" regarding this halakha. Does it mean once a month, once a week, twice a week? He concluded that one ought to examine the tefillin regularly unless he wears them every weekday.

The *Yalkut Yosef* (25:13) states that if someone does not wear his tefillin regularly, but leaves them in a cabinet for an extended period, he must have them examined once every three-and-a-half years. The author apparently was unaware of the *Matte Yehuda's* ruling, however, that even if someone wears them once a week he must have them examined.

The *Piske Teshuvot* (*Siman* 39, footnote 35) cited the *Eshel Avraham* of Butchatch and the *Shulhan Hatahor* ruling that we must have our tefillin examined even though we wear them daily, since we wear them only during *shaharit* and not all day long. It seems, however, that the *Poskim* did not agree with this definition since they already had the practice of wearing tefillin only during *shaharit* and still they did not consider people with this practice to be in the category of wearing tefillin "occasionally." This makes sense as well since a daily exposure to fresh air should be sufficient to preserve the tefillin.

316. The *Haye Adam*, cited in the *Mishna Berura* (39:28), ruled that one may continue to recite the blessing on the tefillin as long as there is no visible sign that any damage has occurred. This seems to be the ruling of the *Kol Yaakov* (39:41) as well, and it is the opinion of the *Levush* at the end of this *Siman*. The *Halakha Berura* (page 269) likewise cited this opinion. Nevertheless, it seems that one must follow the principle of *safek berakhot lehakel* since the *Mishna Berura* concluded that it is not clear that we can rely on the *Haye Adam's* ruling. If someone insists on continuing to recite the blessing, he has a solid basis for doing so.

317. This is the ruling of the *Peri Megadim*, cited by the *Mishna Berura* (39:26) and the *Kol Yaakov* (39:41). They explain that it is not possible to assume

ל. מי שקנה תפלין מן המומחה, ואחר שנים רבות להנחתן מצא בהן טעות הפוסלת אותן מעיקרן, נתבאר דינו לעיל בסימן ל"ז הלכה ד'.

לא. במזוזות, מעיקר ההלכה חייב לבדקן פעם אחת בכל שלש שנים ומחצה (כמ"ש ש"ע יו"ד ר"ס רצא), ומנהג חסידות להחמיר לבדקן באלול מידי שנה בשנה. [יחו"ד ח"א סי' מט]

Discovering that one's tefillin were never kosher

30) See above in *Siman* 37:4 for a case where someone took every precaution to purchase kosher tefillin, and after using them for several years he discovered that they had never been kosher.

Examining mezuzah scrolls

31) The halakha requires one to have the mezuzot in one's home examined once every three-and-a-half years.[318] The practice of the devout is to have them examined every year during the month of Elul.

automatically that no damage has been inflicted on the parchments, since they were definitely exposed to damage.

318. This is the ruling of the *Shulhan Arukh* (*Y.D.* 291:1) and of Maran the Rishon Letziyon (responsa *Yehave Da'at* Vol. I, #49). Harav Shelomo Zalman Auerbach (*Halikhot Shelomo Tefilla* page 59) that if the mezuzah scroll is inserted in a glass tube, it is not necessary to have it examined that often. Maran the Rishon Letziyon did not make such a distinction.

Transferring a mezuzah to another location or tefillin parchments to other *battim*

Our Sages taught (tractate *Mezuzah* 2:15) that if someone moves a mezuzah to another location, it must be examined. For some reason, this *baraita* is not mentioned by the *Poskim*. Harav Hayim Kanyevski offered two explanations for the halakha stated here. One is that the new location has not yet established itself as having a kosher mezuzah. The second reason is that the scroll may become damaged in transit. He added that according to this, the same should apply to tefillin parchments that are transferred to new *battim*, or to tzitzit that are transferred to another tallit.

The first explanation is difficult to understand, since the fact that the scroll is in a new location should not effect its reputation for being kosher. The second explanation, therefore, must be the correct one. In fact, this reason appears in the responsa *Afarkasta de'Anya* (Vol. III, *Y.D.* #206).

An article in the *Moriah* journal (Shevat 5764, page 149) offers yet another explanation for the *baraita*. Since the person has the mezuzah scroll in his hands and it can be examined, it must not be affixed in a new location until it has been examined. Now, if this is the correct reason, it should apply to tefillin parchments as well. It is a general rule – do not simply go ahead and use an item for a mitzvah assuming it is kosher if you can ascertain that it is definitely kosher. The article concludes with a suggestion that since this is a general rule and does not apply specifically to mezuzot, the *Poskim* felt it unnecessary to cite the *baraita* as a halakha for mezuzot. [This solution is a weak one, since the style of the *Poskim* is to cite specific halakhot in the manner they are presented in the Talmud, even if the halakha follows a general principle.]

The responsa *Shevet Hakehati* (Vol. I, #275) likewise rejected the first explanation offered by Rav Kanyevski, and complained that his second explanation lacks clarity. Therefore, he suggested that this *baraita* is referring to a mezuzah used in a public building, which needs to be examined only once every twenty-five years. The community is not obligated to take down the mezuzot to examine them more often, since this would be a considerable toll on their time. Once the mezuzah has been already taken down to be transferred to another location, however, the halakha demands that it be examined. The mezuzot of a private home must be examined every three-and-a-half years, and therefore it is not necessary to examine them an additional time when transferring them to another location.

According to this explanation, if someone has his tefillin *battim* opened and the parchments removed, he should use this opportunity to have them examined.

סימן מ

איך לנהוג בקדושת התפילין

א. אסור לתלות תפילין, על היתד מפני שהוא דרך בזיון. [ש"ע סי' מ ס"א ומשנ"ב סק"א]. ואיסור זה הוא בין באופן שהבתים תלויות כלפי מטה, ובין באופן שהרצועות תלויות כלפי מטה. [ש"ע שם ומשנ"ב סק"ב, עוד יוסף חי פ' חיי שרה הי"ב]

ולכן אותם שחולצין התפילין ביום ראש חדש קודם מוסף, ומניחין אותו על הבימה עד אחר תפילת מוסף לקפלו, צריך לדקדק שיניחו אותו כולו על הבימה, ולא יהיו הרצועות נתלין ומשתלשלין מן שפת הבימה כנגד הקרקע. וכן כל כיוצא בזה. [עוד יוסף חי שם]

ב. כאשר תולה התפילין באקראי בעלמא, שאוחז התפילין בידו והרצועות תלויות למטה אין להקפיד. אבל אם אוחז הרצועות בידו והבתים תלויים אפילו באקראי בעלמא, אסור. [עוד יוסף חי שם, משנ"ב ס"ק ב, כה"ח ס"ק א]

וכשבא להניח התפילין של ראש על ראשו, יש אומרים שמותר לאחוז בידו הרצועות, אף שהבית תלוי באויר, כי זהו צורך הנחתן. [משנ"ב ס"ק ב]. ויש אומרים שאפילו בשעת הנחה יש להחמיר בזה, שלא לאחוז בקשר והבית יהיה תלוי עד שמניחו בראשו, אלא יקח בידו הקשר עם הבית דבוקים, היינו —

Siman 40

Treating Tefillin as Sacred Items

Hanging tefillin

1) It is forbidden to hang tefillin on a hook, for this is disrespectful to them. It is forbidden whether the housings are suspended on top of the hook and the straps are hanging down or if the housings are hanging down from the hook. Therefore, when people quickly take off the tefillin in order to recite the *musaf* prayer on *Rosh Hodesh* and they leave the tefillin unwrapped on a table or chair, they must take care not to leave the straps hanging down. All parts of the tefillin must be on top of the table or chair.

Hanging tefillin momentarily

2) It is permissible to hold tefillin in one's hands with the straps hanging down momentarily. It is forbidden, however, to hold the tefillin by the straps and leave the housings hanging in the air, even if only for a moment. Despite this, some *Poskim* ruled that it is permissible to put on the *tefillin shel rosh* by holding the loop of the strap in both hands, leaving the housing suspended between them. Other *Poskim* insisted that this is forbidden as well. Their instructions are to hold the housing in one hand and the *dalet* knot in the other, and to place them on the person's head and

הקציצה וקשר הדל"ת, ויניח הבית במקומו ואחר כך הקשר במקומו, ורק יהיו הרצועות תלויים באויר. [מט"י, חס"ל, שתילי זתים, עוד יוסף חי שם]. ואם אי אפשר לו בנקל, יש לסמוך על דברי המתירים. [יפה ללב, כה"ח ס"ק א]

ג. מותר לתלות התפלין ביתד, כשהם בכיסם [ש"ע סי' מ ס"א], ואם יש סל תלוי בחבל לא יניח התפילין בתוך הסל, כיון שהם גלוים ואינם מונחים בכיסן. [עוד יוסף חי פ' חיי שרה הי"ג]

ד. ספר תורה אסור לתלותו אפילו בכיסו. [עוד יוסף חי שם, משנ"ב ס"ק ג, כה"ח ס"ק ב]. ואף אם הספר תורה מונח בתוך בארון הקודש, ותולה הארון הקודש, באופן שמחברו ביתדות לכותל, יש אוסרים, כל שאין עומד תחתיו דבר מה. אך יש מתירים בזה, כיון שארון הקודש מחובר היטב ביתדות לקיר, ואינו מתנדנד. [תהלה לדוד, בנין אב. ועי' הלכה ברורה עמ' ער"ב שכן מפורש ברשב"ץ]

וסידורים דינם כתפילין, שאם מונחים בכיס, מותר לתלותם. אך אין הכריכה נחשבת לכיס, ולכן סידורים שקבועים בהם לוחות מתכת שיוצאת מהם שלשלת של כסף, אסור לתלותן בם. [משנ"ב וכה"ח שם]

וישלטים שיש בהם פסוקים ותפלות, מותר לתלותן על קירות בית הכנסת. [משנ"ב ס"ק ג, כה"ח ס"ק ג, ילקו"י עמ' תרפב]

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afterward to tighten the loop of the strap around the head. If it is difficult for someone to follow these instructions for some reason, he may continue to put it on the other way, relying on the *Poskim* who permit it.

Hanging tefillin inside the *kuracha*

3) It is permissible to hang the *kuracha* containing one's wrapped-up tefillin on a hook. One must not, however, place unwrapped tefillin in a basket suspended from a hook.[319]

Hanging a Torah scroll

4) It is forbidden to hang a Torah scroll from a hook, even if it is enclosed in its case.[320] According to some *Poskim*, it is forbidden to screw a Torah ark into the wall of the synagogue unless it is resting on the floor or on a table. Others permit this as long as it is securely fastened to the wall and does not wobble.

Hanging a prayer book

It is permissible to hang a bag containing a prayer book, but it is forbidden to hang a prayer book by its cover. Even if the prayer book is fashioned with a silver chain attached to it, it must not be ever hung by the chain.

Hanging signs with verses

It is permissible to hang signs with verses or prayers on the walls of the synagogue.[321]

Day 86

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319. Throwing tefillin through a prison-cell window

Once, a Hassidic Rebbe was imprisoned, and a follower of his threw a set of tefillin through the window of his prison cell so that he would be able to fulfill the mitzvah, as related in *Alenu Leshabe'ah* (*Shemot* page 433). The *Yalkut Yosef* (page 682) cited a source for permitting the tefillin to be thrown in such a case.

320. The responsa *Igrot Moshe* (*Y.D.* Vol. II, #141:3) ruled that it is permissible to hang a Torah scroll on one's body. This is clear from *Sanhedrin* (21b) where it is stated that a King of Yisrael must write a miniature Torah scroll and carry it around while it is suspended from his arm.

321. The *Kenesset Hagedola* and *Magen Avraham* both ruled that such signs may be hung on the walls, basing the ruling on a responsum of Mahari"t (Vol. II, #3). He reasoned that hanging tefillin is disrespectful to them since they are made to be worn and not hung on display, but these placards were designed specifically to be