ו. מי שצריך להתענות על נפילת התפילין מידו, טוב שיקבל עליו התענית באותו היום במנחה, ויתענה למחרת. ואם הוא שבת או יום טוב, ידחה התענית לאחר מכן. [מרן הראש"ל זצ"ל, בילקו"י מהדו"ק עמ' כט]

ז. אף אם נפלו התפילין מגובה שהוא פחות מעשרה טפחים לקרקע, צריך להתענות. [בא"ח פ' חיי שרה הי"ח, כה"ח ס"ק ז, ילקו"י מהדו"ק עמ' כט].

Fast on the following day

6) It is recommended that if someone dropped his tefillin, he should postpone his fast to the following day. During the *minha* prayer prior to the fast, he should declare his intentions to fast the following day.[323] If the following day is Shabbat or *Yom Tov*, he should postpone the fast until a day when fasting is permitted.

Dropping tefillin a short distance

7) It is necessary to fast even if the person dropped them only a short distance, less than ten *tefahim* (80 cm / 32 inches).[324] Some *Poskim* ruled that if he dropped them only a few inches (less than three *tefahim* / 24 cm / 10 inches), he

drops one's tefillin. Anyone who disregards this custom raises suspicions of his loyalty to our nation.

Note that the *Mishpete Shemuel* wrote, "Is there any doubt that someone who dropped a Torah scroll would fast?" In other words, of course he would fast, but there is no source in the Talmud for this, either. Harav HIDA likewise noted that there is no source in the Talmud or in the early *Poskim*.

To have the tefillin examined

Harav Yonatan Steif wrote (responsa #205) that when a Torah scroll is dropped to the floor, it is recommended to have it examined, since it might be a sign from Heaven that it is in need of repair. The responsa *Sheraga Hame'ir* (Vol. III, #12) likewise suggested that if someone's mezuzah falls to the floor he should have all the mezuzot in his home examined. The responsa *Shevet Hakehati* (Vol. I, #275) found a source for having the mezuzot examined if one falls or when moving them to a different home.

The responsa *Afarkasta de'Anya* (Vol. III, #194) asserted that the custom is to have one's tefillin examined if they fall to the floor, citing the *Torat Hayim* Sofer (*Siman* 44). If the tefillin have never been examined, this is definitely recommended, and especially if the tefillin were purchased without ascertaining that they were written and constructed by knowledgeable, God-fearing men. See above in the footnote to *Siman* 39:27.

323. The general rule, as the *Shulhan Arukh* states (562:5), is that if someone decides to fast voluntarily but fails to declare his intentions to fast before sunset of the previous day, he will not be credited for observing a fast day although he fasts. The only exception is someone who dreams of some tragedy during the night. In that case, he can remedy the dream by fasting that very day. Although he did not declare on the previous day that he intends to fast, it is considered as if Heaven decreed that he should fast by showing him this dream, and his declaration is not necessary.

In the case of someone who dropped his tefillin, therefore, it makes sense that he must declare that afternoon that he intends to fast the following day because this happened. Harav Yisrael of Brona (#127), however, wrote that as long as this person has not yet tasted anything that day, he can observe his fast on the very day he dropped the tefillin. The fact that he dropped the tefillin is in itself a sign from Heaven that he is expected to fast, just like someone who dreamed of a tragedy.

Rav Yisrael concluded that he did not agree that we can equate the two cases. If someone dreams of a tragedy during the night of Shabbat, the halakha permits him to fast that day, even though it is Shabbat. If someone would drop tefillin on Shabbat, however, he should not fast until the following day.

Several *Aharonim* ruled, citing Harav Yisrael of Brona, that a person should fast on the very day he dropped the tefillin, and it is not necessary to declare one's intentions on the previous day. The *Kaf Hahayim* Palachi (10:38), however, ruled that he should fast on the following day so that he can accept the fast on himself the day before fasting. Maran the Rishon Letziyon (*Yalkut Yosef* page 29) agreed with this position. The main reason why it is necessary to fast is not that dropping the tefillin is a sign from Heaven, but rather because the person needs atonement for being careless and allowing the tefillin to fall. Therefore it is necessary to accept upon himself on the previous day that he will fast.

324. The *Ben Ish Hai* (*parashat Haye Sara* halakha 18) cited his responsum in *Rav Pe'alim* ruling that one

ואם נפלו פחות משלושה טפחים לקרקע, יש מקילים שלא להתענות אלא די בפרוטה לצדקה. מכיון שכל שהוא פחות משלשה הוי לבוד, וכמונח על הקרקע דמיא, וליכא ביזוי תפילין. [כה"ח ס"ק ז]. ויש מחמירים להתענות אף שנפלו בתוך ג' טפחים. [באר משה, הלכה ברורה עמ' שכט]

ח. מי שאי אפשר לו להתענות, יפדה התענית בצדקה. [בא"ח שם]. וכן יש להקל לתשושי כח, שבמקום תענית יתנו צדקה לכפרתם. [חיים שאל ח"א סי' יב, הו"ד בכה"ח ס"ק ה, ביבי"א ח"ב סי' כח אות ב]

וכן אם אירע למלמד תינוקות שנפלו לו תפילין מידו, יש לפוטרו מן התענית, כדי שלא ימעט במלאכת שמים. והואיל ומצד הדין פטור להתענות, אינו רשאי להחמיר. ודי שיפדה התענית בצדקה.

וכן פועלים ושכירים, שלא יוכלו לעשות מלאכתם כהוגן כשהם מתענים, ויש בזה חשש גזל שממעטים ממלאכת בעל הבית, יפדו התענית בצדקה.

ואף בכל תלמיד חכם נראה להקל בזה לפדות התענית בצדקה, כדי שלא ימעט מלימודו, וכל שכן אם היה דבר זה באונס גמור. [יבי"א שם אות ז, ובתוכן ענינים. ובהליכו"ע ח"א עמ' לא. וע"ע כה"ח ס"ק ה, וילקו"י מהדו"ק עמ' כט]

can simply give a coin to charity instead of fasting. This is because the tefillin are already considered to be on the floor if they are that close to it, and dropping them from that distance is not disrespectful to them. Other *Poskim* ruled that one must fast even in such a case.[325]

Giving charity instead of fasting

8) If someone is incapable of fasting, he should give charity to release himself from the obligation to fast. In fact, anyone with a weak constitution should give charity in lieu of fasting. Someone who spends the day teaching Torah to children is exempt from fasting if he drops his tefillin, since he must remain at full strength to perform his holy duties. It is forbidden for him to be stringent and fast. It is sufficient if he gives charity instead.

In fact, any hired workers who would be less efficient if they were fasting are exempt from this fast. If they would fast, they might be guilty of stealing from their employer. Therefore, they should give charity instead of fasting. Every student of Torah may take advantage of this leniency and give charity instead of fasting, so that he will be able to study through the day with a clear head. This is especially so if he dropped the tefillin completely by accident.[326]

must fast in such a case, unlike the common error of thinking that it is unnecessary. This is cited in the *Kaf Hahayim* Sofer (40:7) and *Yalkut Yosef* (first edition, page 29). In our edition of responsa *Rav Pe'alim*, this responsum is not found.

325. The *Kaf Hahayim* Sofer (40:7) cited the Talmud (*Shabbat* 97a) stating that anything within three *tefahim* of the ground is considered to be on the ground itself, based on the principle of *lavud*. Therefore, if someone drops his tefillin from a height of less than three *tefahim*, he has done nothing disrespectful to them. Even so, he should give something to charity in this case, for it is no better than someone who drops his tefillin while they are in the *kuracha*.

Since the *Ben Ish Hai* mentioned only "less than ten *tefahim*," it would seem that he agreed with this novel halakha.

326. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. II, #28:7) discussed whether people who witnessed a Torah scroll fall to the floor must all fast. His discussion continued to the issue of someone who dropped his tefillin. He cited Harav HIDA (responsa *Hayim Sha'al* Vol. I, #12) ruling that weaker people may be exempted

ושיעור הצדקה שיש ליתן, הינו כשיעור הממון שהיה מוציא בשביל האכילה של אותו היום, כל אחד **לפי מה שהוא אדם.** [ראה יפה ללב סי' תקעא אות יא בנד"מ, הובא בכה"ח סי' תקסח ס"ק נב. וע"ע בפסקי תשובות אות ב]

To be excused from fasting, one should give to charity the amount of money one would have spent on that day's meals. The amount varies on an individual basis.[327]

from fasting since there is no source in the Talmud obligating them to fast. Instead, they should give charity.

Based on this, Maran the Rishon Letziyon ruled that if a schoolteacher drops a Torah scroll, he is exempt from fasting so that he will be alert and calm while teaching. Since he is technically exempt, it is forbidden for him to fast. This is certainly the case if he only dropped his tefillin – it is sufficient that he give charity.

Furthermore, any serious Torah student should refrain from fasting so that he can place his full energies into his studies. Harav HIDA exempted Torah students from fasting if they dropped their tefillin, but not if they dropped a Torah scroll. That might have been correct in his times, but nowadays people are much weaker, and we may assume that Harav HIDA would agree that it would not be necessary for Torah students to fast even if they dropped a Torah scroll.

In summing up the responsum, Maran the Rishon Letziyon wrote that a Torah student may excuse himself from fasting if it is hard for him. In writing the abridged description of the responsum, however, he wrote simply that he is exempt, without specifying that this is only if he finds it hard to fast. In the case of someone dropping his tefillin, one may follow the lenient position.

Maran the Rishon Letziyon cited the responsa *Yeme Yosef* Yedid (*O.H.* #9) ruling that hired workers are exempt from this fast, and even from the national fast days instituted by the Prophets. Maran the Rishon Letziyon disagreed with him regarding the national fast days, since the employers are expected to realize that the workers will be weakened by fasting on those days. But when it comes to someone who dropped a Torah scroll, he agreed that workers and teachers should give charity instead of fasting. This is his clear ruling regarding someone who dropped tefillin, as found in the key-of-summaries appendix to the *Yabia Omer*.

327. The *Yalkut Yosef* (page 29) and the *Halakha Berura* (page 327) defined the amount as the cost of one meal, but the *Piske Teshuvot* (40:2) cited the *Divre Hayim* defining it as the cost of one day's meals.

Regarding the obligation to fast to atone for having desecrated the Shabbat, the Rama (gloss to 334:26) ruled that if someone wishes to give charity instead of fasting, he must give twelve *peshiti* (small coins) for each fast day. The *Magen Avraham* (568:12) argued that it is not possible to put a definite price on this redemption fee, since the idea is that the person who gives the money should feel pressured by the financial loss, and that this pressure should be equal to the suffering he would feel if he fasted. Therefore, the amount of money varies from one to person to the other, depending on his level of wealth. For a poor person, the loss of a penny causes as much anguish as the loss of a thousand dollars for a wealthy person. The *Ru'ah Hayim* (334:12) recommended that a wealthy person give 36 pieces, while a poor person should give 6 pieces. The meaning of "pieces" needs to be clarified.

The *Yafe Lalev* (571:11, cited in the *Kaf Hahayim* Sofer 568:52) testified that the rabbis of Smyrna recently decided that if someone is incapable of fasting when he should, he should give to charity the amount equal to the cost of the food he would have eaten that day. This, he explained, is supported by Harav HIDA (*Simhat Haregel*), who ruled that this person should estimate how much he would have spent on his meals that day, and then give that amount to poor people. The responsa *Divre Yo'el* (Vol. I, #34:2) agreed that this is the best course of action since it is impossible for us to verify the value of twelve *peshiti* as it was in the time of the Rama. He added that, whatever the amount ends up being, one should try to give the money in the form of eighteen coins, since that number might have some significance.

The *Birur Halakha* (*Siman* 334), cited in the *Piske Teshuvot* (40:11), claimed that twelve *peshiti* equal 12.8 grams of pure silver. As of Adar I 5779 (February, 2019), the cost of this amount of silver is $6.53. Nevertheless, as the *Divre Yo'el* pointed out, this is probably not the correct way for measuring the "value" of a fast day in modern times. Certainly, according to those who ruled that one must give an amount equal to the food one eats throughout the day, it ought to be considerably more than $6.53, and especially for a wealthy person.

In light of this discussion, it is difficult to understand why the *Yalkut Yosef* and *Halakha Berura* stated that the amount is the cost of one meal, without even mentioning that different people spend different amounts on their daily diet.