כח. אסור לשתות משקה חריף (כמו ויסקי, ארק, ליקר וכיו"ב) בשיעור כביצה, בעוד התפילין עליו. אבל מותר לשתות משקאות קלים ותה וקפה ללא הגבלה. [ראה כה"ח ס"ק לה]

כט. הרוצה לעשן עם התפילין כדי להתרכז בלימודו, מותר. אלא שבכלל ראוי ונכון מאד שלא לעשן כלל, אחר שרופאים הוכיחו שהעישון גורם למחלות איומות ה' ירחם. [ראה ילקו"ע עמ' תרפה]

Drinking beverages

28) It is forbidden to drink *kabetza* (54 oz.) of strong alcoholic beverages such as whiskey, arack, or liquor while wearing tefillin. It is permissible to drink an unlimited amount of soft drinks, tea, or coffee.[347]

Smoking cigarettes

29) If someone feels that he will be able to concentrate better on his Torah studies if he smokes a cigarette, he may smoke even while wearing tefillin. Nonetheless, it is highly recommended to avoid smoking at all times, since medical research has demonstrated that tobacco smoking causing a plethora of dangerous illnesses.[348]

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347. The *Kaf Hahayim* Sofer (40:35) ruled that it is permissible to drink beverages while wearing tefillin, and although the *Magen Avraham* (232:17) ruled that it is forbidden to drink more than *kabetza*, that applies to alcoholic beverages only, when it is possible that the person will become intoxicated while wearing tefillin. drinking other beverages is not limited at all.

A shot in honor of a *yahrtzeit*

In many synagogues, especially among Hassidic congregations, when someone observes the *yahrtzeit* of a loved one he brings a bottle of schnapps for people to drink a shot or two after the prayers. According to the halakhot explained here, if anyone is still wearing tefillin he must make sure to limit the amount that he drinks.

The *Shulhan Esh* (40:8) remarked that according to the *Shulhan Shelomo*, who ruled that in our times it is forbidden even to snack while wearing tefillin, it is certainly forbidden to drink even a bit of an intoxicating beverage. If someone plans to continue wearing tefillin to study Torah after the prayers, however, the *Over Orah* ruled that he may snack while wearing tefillin. According to this, this person may likewise drink a limited amount of schnapps. It is not permitted for those who do not plan to study Torah after the prayers.

As explained above, the halakha does not follow the opinion of the *Shulhan Shelomo*. Even in our times it is permissible to snack while wearing tefillin, and therefore one may also drink a bit of schnapps.

348. The responsa *Rivevot Efrayim* (Vol. I, #30:3) ruled at first that it is forbidden to smoke while wearing tefillin, but then he reconsidered and suggested that it is equal to eating a snack, which is permissible. The *Pe'er Yaakov* (#4) compromised, ruling that it is forbidden in the view of others, but it is permissible in the privacy of one's home if the person is addicted to cigarette smoking. The *Yalkut Yosef* (page 685) added that if it will enable the person to concentrate better on his learning, it should be permitted. The *Piske Teshuvot* concurred with this, adding that if the person is addicted to smoking it is allowed even in view of others.

The *Shulhan Shelomo* wrote that it is forbidden to use snuff while wearing tefillin. Since in practice we follow the opinion that it is permissible to snack while wearing tefillin, as explained above in halakha 26, it is permissible to sniff snuff as well. Nonetheless, Maran the Rishon Letziyon ruled (responsa *Yabia Omer* Vol. V, #29; *Yehave Da'at* Vol. V, #29) that cigarette smoking should be avoided altogether because it has been proven to wreak havoc on one's health. This is likewise the ruling of responsa *Shevet Halevi* (Vol. X, #295).

סימן מא

נשיאת משא כשתפילין בראשו

א. הנושא משא על ראשו, צריך לחלוץ תפילין של ראש עד שיסיר המשא. ואפילו מטפחתו אסור להניח על הראש שיש בו תפילין. [ש"ע סי' מא ס"א]. ולכן צריך ליזהר כשלובש תפילין בביתו והולך לבית הכנסת, ובאו גשמים, שלא יניח מטפחת על ראשו להגן מן הגשמים, אלא יסיר התפילין של ראש מעל ראשו ויצניעם בחיקו, ואחר כך יניח המטפחת. [עוד יוסף חי פ' חיי שרה הי"ח]

אבל דבר שדרכו ליתן בראשו, כגון כובע או מצנפת, מותר. [ש"ע סי' מא ס"א]

Siman 41

Carrying a Load While Wearing Tefillin

Carrying on one's head

1) If someone wishes to carry a load on his head, he must first remove his *tefillin shel rosh* and then carry it. This applies to any size load, even if it is a single handkerchief. Therefore, if someone is walking to the synagogue while wearing tefillin and it starts to rain, he may not place a cloth on his head to protect himself from the rain. Instead, he should take the tefillin off his head, place it securely in the folds of his shirt, and then cover his head with the cloth.[349]

It is permissible to wear a hat or hood while wearing *tefillin shel rosh*. That is not considered to be carrying a load.[350]

349. This is the ruling of the *Od Yosef Hai* (*parashat Haye Sara* halakha 18). He added that it is forbidden for someone to pull his jacket or cloak over his head while wearing *tefillin shel rosh*. Since people do not normally wear the garment that way, it is considered to be carrying a load on his head. He concluded, however, that it is possible that it is permissible to pull one's cloak over one's head.

350. This is the opinion of Rambam as cited in the *Shulhan Arukh* (41:1). A lengthy explanation of Rambam's ruling and the opposing opinion of Rabbenu Yitzhak Alfasi can be found in the *Bet Yosef*. The *Darkhe Moshe* explained that according to Rabbenu Yitzhak Alfasi and Rabbenu Asher, it is permissible to carry an item that is normally carried on one's head, even while wearing *tefillin shel rosh*. It is forbidden only while carrying a load of refuse, or any load that is larger than four *kav* (approximately 5 kilograms / 11 pounds), even if such a load is normally carried on one's head. An item not normally carried on one's head is forbidden even if it smaller and lighter than this amount. This is the basis of Rama's ruling in the *Shulhan Arukh*. The *Od Yosef Hai* concurred with this. The *Kaf Hahayim* Sofer (41:6) countered that according to Maran's understanding of Rabbenu Yitzhak Alfasi's ruling, it is permissible to carry any load that is normally carried on one's head no matter how heavy it may be. Since this is the normal practice, it is not disrespectful to the tefillin.

ב. להוציא זבל על ראשו אפילו מעט אסור, ואפילו שיניח המשאוי בצדדין שלא במקום תפילין אסור, כי זה בזיון לתפילין שעל ראשו. [משנ"ב ס"ק ג]

ג. כל האמור הוא לגבי תפילין של ראש, אבל לגבי תפילין של יד, מותר לשאת משא על ראשו בעוד התפילין של יד מונחות עליו, ואפילו להוציא זבל בראשו מותר, שאין בזה בזיון לתפילין שבידו כיון שהם מכוסים. [כה"ח ס"ק א]

אולם אין לשאת משא על ידו במקום התפילין, אם יש במשא משקל ארבעה קבין (קצת יותר מחמש ק"ג), כי אז מסתמא התפילין רוצצות על ידי זה. [משנ"ב ס"ק ב, כה"ח ס"ק ב]. וכן אין לשאת משא של זבל על ידו, אף שהתפילין מכוסים בבגדיו, כיון שיש בזה בזיון לתפילין שעליו. [משנ"ב סוף ס"ק ג, כה"ח סוף ס"ק א]

ד. כתב בספר חסידים: (סי' תשעד): לא ישא דבר בין אצילי ידיו (דהיינו שחובק המשא בזרועותיו על צידי גופו), שהרי מבדיל בין תפילין לליבו. ואף על פי שהבגדים מבדילים, אין זו הבדלה שכן דרכו. [כה"ח ס"ק ג]

Carrying refuse

2) It is forbidden to wear *tefillin shel rosh* while carrying a load of rotting refuse on one's head, no matter how small the load may be. It is forbidden even if the person positions the load off to the side and not over the tefillin, since it is still disrespectful to the tefillin.

While wearing *tefillin shel yad*

3) It is permissible to carry any load, even one of rotting refuse, on one's head while wearing *tefillin shel yad*. It is not disrespectful since the tefillin are hidden from view. Nevertheless, if the load is heavier than four *kav* (five kilograms / 11 pounds[351]), it must not be placed directly on the *tefillin shel yad* since the pressure might move the tefillin from their place.[352] Furthermore, one must not carry a load of rotting refuse on the arm wearing the tefillin even though the tefillin are covered, since it is disrespectful to the tefillin.

Carrying between the tefillin and one's chest

4) *Sefer Hassidim* (#774) states: It is forbidden to carry a load on one's side since that separates between one's heart and the *tefillin shel yad*. Although they are always separated by one's clothes, the clothes are not considered a separation since it is normal for one's body to be clothed.[353]

351. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #102:5) verified that a *dram* is no more than 3 grams. Accordingly, four *kav* is 5.184 kilograms. According to Harav Ben Tziyon Abba Shaul (*Or Letziyon* Vol. II, Unit *Mevu'ar* 1:9) it is 5.529 kilograms.

352. The *Mishna Berura* (41:6) explained that this does not mean that the tefillin will be pushed out of the area where they must be in order for the mitzvah to be fulfilled. Rather, it means that the tefillin will be pushed to the edge of the area where they must be, leaving no leeway for error.

353. The *Piske Teshuvot* noted that the *Mishna Berura* did not cite this passage, and failed to find good cause for the omission. It is far-fetched to suggest that this ruling is only a matter of extra piety, since it is cited by the *Eliya Rabba*, the *Peri Megadim*, and the *Kaf Hahayim*. The *Halakha Berura* likewise cited it, adding that it is recommended to obey this stringency.