The Chicago Center
Mishna Berura Digest
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ל"ד סעיף ג'-ד'

Overview

Siman 34 Seif 3:

The only one who should follow the practice of wearing both pairs of *tefillin* is one who well known and established as pious.

- Even one who wants to don Rabbeinu Tam's tefillin after davening must have a reputation of one who is pious. (M.B. 16)

Siman 34 Seif 4:

One may not place both pairs in one bag since one pair is mundane and may not be placed in a *tefillin* bag. Rather, one should have two bags and an identifying mark on each so that he should not place a pair in the wrong bag.

- Shulchan Aruch refers to where the bag was designated for a single pair of *tefillin* but if it was designated for both pairs it is acceptable. (M.B. 18)
- One may not switch the *batim, retzuos* or *parshiyos* between Rashi's tefillin and Rabbeinu Tam's tefillin. (M.B. 20)
- Pri Megadim writes that one who finds *retzuos* may use them with his Rashi's *tefillin*. Some authorities even allow one, in times of need, to take *retzuos* from Rabbeinu Tam's *tefillin* and use them with Rashi's *tefillin*. (M.B. 20)
- If one took out his Rabbeinu Tam's *tefillin* before his Rashi's *tefillin* he should still don Rashi's *tefillin* first and it is not considered to be passing over a *mitzvah*. (M.B. 20)
- One does not wear Rabbeinu Tam's *tefillin* on *Chol HaMoed*. On *Tisha B'Av* they are worn in the afternoon. (M.B. 20)

Stories to Share

Rav Hai Gaon's Tefillin

ש"ע ס' ל"ד, ד': "שהאחד מהם חול"

We find on today's amud that either Rashi tefillin or the tefillin of Rabbeinu Tam do not lend their batim and straps the full status of holy objects. The difference between them seems slight, but it is significant. According to Rashi, שמע is the third parshah and והיה אם שמוע is the fourth. Rabbeinu Tam holds, on the other hand, that שמע is written in the final space followed by והיה אם שמוע where the third parshah is written. Yet working out which is the correct arrangement was no simple matter

When someone asked the Rambam how he knew that the approach followed by Rashi was correct, he replied that at first he had worn tefillin of Rabbeinu Tam. "His reasoning for placing the parshah of שמע last is so compelling that I initially wore tefillin written that way. I later changed my practice when Rav Hai Gaon's tefillin were opened and it was discovered that שמע was the third parshah with והיה אם שמוע last."

שו"ת הרמב"ם פאר הדור, ס' י"ט

Strangely, the Ravad writes that Rav Hai Gaon's tefilin followed the order of Rabbeinu Tam, and Tosafos writes the same.

השגות הראב"ד, הל' תפילין, פ"ג, ה"ה, תוס' במנחות דף ל"ד ע"ב

When the Rama MiPano was asked how these sources could contradict each other regarding an apparently clear-cut matter, he gave an excellent explanation. "It seems clear that Rav Hai Gaon himself was unsure which opinion was correct. He therefore had two pairs—one for each opinion—to be sure that he fulfilled the mitzvah of tefillin. After he passed away, both pairs were procured by different parties who were unaware that another pair existed with a different order of parshios. When the pair with שמע as the third parshah was opened it was assumed that Rav Hai held this way, and the same is true regarding the other pair."

שו"ת רמ"א מפאנו, ס' ק"ז

Halacha Highlight

Switching something from Rabbeinu Tam *tefillin* to Rashi *tefillin*

Shulchan Aruch Siman 34 Seif 4

לא יניח שתי הזוגות בכיס אחד

One may not place both pairs in a single bag

Shulchan Aruch (סעי' ד') writes that one should not place his Rashi and Rabbeinu Tam *tefillin* in a single *tefillin* bag. Since only one pair is sanctified and the other is not, it would be a misuse of the *tefillin* bag to store in it *tefillin* that are not sacred. Mishnah Berurah (סק"כ) adds that it is certainly prohibited for one to switch the *batim*, *retzuos* or *parshiyos* from Rashi to Rabbeinu Tam or the reverse.

Mishnah Berurah then notes that there are authorities who adopt a somewhat more lenient perspective on the matter. They explain that Shulchan Aruch's ruling is based on the presumption that there is an actual doubt whether Rashi *tefillin* or Rabbeinu Tam *tefillin* is correct but only one of then is correct. For that reason one may not exchange any component of one for the other since one does not know whether he is transferring it from the one that is not sanctified to the one that is sanctified or the reverse. Since we hold, however, that Rashi's opinion is primary it is permitted, when necessary, to take a component of one's Rabbeinu Tam *tefillin* and use it for his Rashi *tefillin* since this involves elevating the item to a greater degree of sanctity. The assumption that Rashi *tefillin* is correct is so strong according to this opinion that even if one mistakenly removed his Rabbeinu Tam *tefillin* before his Rashi *tefillin* he must nevertheless don his Rashi *tefillin* first since they fulfill the primary *mitzvah* and it is not considered as though one has passed over an opportunity to fulfill a *mitzvah*. Rav Akiva Eiger (שו"ת רעק"א מהדו"ת סס"ח), however, writes that it is prohibited for one to place his Rashi *tefillin* in the bag designated for his Rabbeinu Tam *tefillin*. Even though one does not recite a *beracha* when he dons Rabbeinu Tam *tefillin,* they are considered as sanctified as his Rashi *tefillin* and one may not exchange anything related to one for the other.