

## Overview

### Siman 41 Seif 1:

**One who will carry a package upon his head must remove his *tefillin* until he removes the package. Even one's scarf may not be upon one's head that has *tefillin*. However, items that are normally placed on one's head may remain there while one is wearing *tefillin*.** If the package is very heavy, meaning the weight of four kav, and it is pressing upon his *tefillin* the package must be removed [even though it is normal for this object to be placed upon his head.]

- ❖ If one is carrying a package upon his arm where his *tefillin* rests which is normally covered and it is not disrespectful, one is not required to remove his *tefillin*. (M.B. 2)
- ❖ Pri Megadim implies that if the package could be moved to the sides so that it is not on his *tefillin* it is permitted. (M.B. 3)
- ❖ Even if the item is on his *tefillin* it is not disrespectful since the item is worn as clothing. However, if the hat is large one must be careful that the weight of the hat should not move the *tefillin* from its correct place. (M.B. 4)
- ❖ Rema does not mean that the *tefillin* are being pressed from their correct location and he is not wearing them properly; rather it means that the space available for the *tefillin* to rest became diminished. (M.B. 6)

## Stories to Share

### Tefillin on the Floor

מ"ב מ"א, ס"ק ג': "הוה בזה בזיזו לתפליין..."

We find on today's *amud* that it is forbidden to disgrace *tefillin*.

A certain man was walking through his house on Shabbos when he noticed a full *tefillin* bag that had fallen down from its usual place. As he rushed to pick them up a disconcerting thought crossed his mind. *Tefillin* constitute a *kli shemelachto l'issur* (קדעת הט"ז ומ"א בס' ש"ח, ס"ד). Perhaps it is forbidden to pick them up even if they are lying on the floor, especially if they are in their bag? Although they are a *kli shemelachto l'issur*, they still cannot be moved to protect them from theft or to ensure they are not damaged.

When this question reached Rav Shlomo Zalman Auerbach he ruled that it is permitted to pick the bag up. "Although if *tefillin* fall on the floor, *chas v'shalom*, one must fast, if they fell while they are in their case, giving a little charity is sufficient. Nevertheless, it is permitted to pick up a full *tefillin* bag off the floor on Shabbos since leaving it on the floor disgraces the *tefillin*."

Rav Shlomo Zalman added that after they are picked up

## Halacha Highlight

### Maintaining proper respect for one's *tefillin*

Shulchan Aruch Siman 41 Seif 1

הנושא משוי על ראש חולץ תפליין של ראש עד שישר המשאו'

**One who carries a package upon his head must remove his *tefillin* until the package is removed**

Shulchan Aruch writes that someone who is carrying something upon his head must remove his *shel rosh* until he is done carrying the item on his head. The basis of this ruling is a Gemara in Bava Metzia (105b) that presents three opinions regarding the parameters of the restriction against carrying something upon one's head while wearing *tefillin*. Rambam(פ"ד מהל תפלין הכ"ג) rules in accordance with the most stringent opinion that one may not carry anything upon his *shel rosh* unless it is the head covering that he normally wears. Bais Yosef in the name of Mahari Avuhav maintains that if a person placed something upon his head while he was already wearing his *shel rosh* he is not required to remove it unless it is pressing on his *shel rosh*. On the other hand, someone who is considering placing something on his head should remove his *shel rosh* in advance of placing that item upon his head. Bach draws a similar distinction and adds that if the object on one's head is disgraceful to the *tefillin*, e.g. a container of manure, one's *shel rosh* must be removed.

Mishnah Berurah (ס"ק ב') writes that it is permitted for one to carry something with his arm that has his *tefillin* since the *shel yad* is covered and carrying something is not disrespectful to the *shel yad*. However, if he will be carrying a container of manure he must remove his *shel yad* even though it is covered since carrying manure is by definition disrespectful to the *shel yad*. Chavos Yair (מקור חיים סי' מ"ג סע' ט) expands this principle and writes that one should refrain from engaging in activities that require one to wash his hands while he is wearing *tefillin*. For example, one should not touch his shoes or a covered part of his body. This cautionary behavior represents a characteristic of those who are pious (מידת חסידות) but according to *halacha* it is not prohibited.

the *tefillin* remain muktze. "Although one may pick the *tefillin* up, he cannot put them wherever he wants. He must put them in the first place where they can rest without being in disgrace.

"As long as they are disgraced, it is a mitzvah to pick them up. This mitzvah overrides the prohibition of muktze. The moment they can be put in a place that is not an insult to their importance, he must place them there. Carrying them further for no reason is like carrying any other *kli shemelachto l'issur*."

הילכות שלמה, ע' נ"ו-נ"ז, דבר הלכה אות מ"ח