The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן מ"ד סעיף א'

Overview

Siman 44 Seif 1:

One may not even nap while wearing his *shel rosh* and *shel yad*. If he covers them with a kerchief and he is not with his wife he is permitted to nap. This means he should rest his head between his knees and he may nap while sitting in that position. If one binds his *tefillin* to his hand he may even sleep but if they are not bound to his hands he may not even nap. This restriction applies when he is holding them outside of their case but if they are in their case it is permitted.

- By placing a kerchief over his *tefillin* he will remember that he is wearing *tefillin* and will avoid passing gas. (M.B. 1)
- Working in one's profession is not considered an interruption of intent as far as *tefillin* is concerned. Nevertheless, the preferred manner of fulfillment of the *mitzvah* is to not become distracted at all and for this reason one should regularly touch his *tefillin* except while *davening* or learning when it is unnecessary. (M.B. 3)
- If his head is not between his knees we are not concerned that he will fall asleep. (M.B. 5)
- One may not sleep while holding his *tefillin* due to the concern that he will drop them. (M.B. 7)
- Gra writes that Rema's ruling is limited to where the case has the capacity of a *tefach* so that it serves as a interposition between the *tefillin* and the floor. (M.B. 8)

Stories to Share

Disgrace to the Tefillin

מ"ב ס' מ"ד,ס"ק א': "ולא יבוא להפיח ..."

If a person drops his tefillin, chas v'shalom, it is only natural that one would be very concerned. After all, if they fell before they were returned to their case, one must fast. Even if they are in their case, dropping them obligates one to give charity. Obviously, having such a calamity happen would indicate that he has done wrong and must make the proper restitution. Above all, he must do teshuvah and work harder next time to ensure that he doesn't disgrace the tefillin in this way again.

Rav Shlomo Zalman Auerbach would point out that passing gas is no less of a problem. He said, "The Halachah L'Moshe writes that one who passes gas while wearing tefillin must also fast. (תפילה למשה על קיצור ש"ע, ס' י', או' קע"ה) Doing so is just as much of a disgrace to the tefillin as dropping them."

נשמת אברהם, ח"א, ע' מ"ה

Halacha Highlight

Sleeping while wearing *tefillin*

Shulchan Aruch Siman 44 Seif 1

כל זמן שהתפלין בראשו או בזרועו אסור לישן בהם

While one is wearing his *tefillin* on his head or arm it is prohibited to sleep

Shulchan Aruch writes that while a person is wearing his *tefillin* he is not permitted to take even a nap (שינת עראי) unless he puts a kerchief over them and rests his head between his legs. Teshuvas Tzitz Eliezer (חי"ח סי' ל"ט) was asked about the permissibility for one who is learning while wearing his *tefillin* to put his head on his arms for a quick cat-nap. In his response he takes note of the fact that according to Perisha and Taz resting one's head on his arms is equivalent to putting one's head between his legs. He also contends that the advantage of studying Torah She'Ba'al Peh while wearing *tefillin* outweighs the concern that one may fall doze off without covering one's *tefillin* first. For this matter one may rely on the majority of Poskim who maintain that it is not necessary for a person to take two steps (covering his *tefillin* with a kerchief and putting his head between his legs), even one of those steps is sufficient. Similarly, if one sees another person doze off while wearing *tefillin* one is not obligated to wake them as long as it does not seem that they have fallen into a deep sleep (ע' פסקי תשובות אות א').

Sefer Piskei Teshuvos (אות א') writes that one should not nap while wearing *tefillin* if he knows that he has a tendency to fall into a deep sleep, even if he covers his *tefillin* with his *talis* and even if he is confident that he will not pass gas. Someone who falls asleep while wearing *tefillin* is not required to repeat the beracha on them since they remained on his body while he slept. On the other hand, if someone removed his *tefillin* before going to sleep, even if he only napped, he is required to recite the *beracha* when he puts his *tefillin* back on.

The Ben Ish Chai rules the same but adds that this doesn't always apply. "One is obligated to fast only if he passes gas which gives off a bad smell, known as הפחה. But making noise without a smell is called עיטוש. This is permitted while wearing tefillin, since this is no different than coughing which is surely not a disgrace to the mitzvah."

עוד יוסף חי, פרשת חיי שרה, או' ד'

When he learned this Ben Ish Chai, a certain person was skeptical that it was permitted to be lenient for עיטוש. When he asked Rav Shlomo Zalman himself if one could rely on the Ben Ish Chai in this matter, he replied that in this matter the Ben Ish Chai is indeed halachah l'maaseh.

הליכות שלמה, פ"ד, ארחות הלכה, או' 101