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לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

Using Items Designated for Sacred Use for Other Purposes

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May one place a siddur in a tefillin bag?

May one place the Torah crown inside the aron kodesh?

A previous article discussed the question of how to properly dispose of mitzvah-related items that are no longer usable. As discussed there, there are different categories of mitzvah items with different halachos for each. This article will focus on using mitzvah items for mundane use. Specifically, the question of using a *tallis* or *tefillin* bag, an *aron kodesh* (holy ark), or a *bima* (lectern upon which the Torah is placed when read) to hold other items will be explored. These objects are primarily used to hold mitzvah items. May one place a mundane item such as a checkbook in a *tallis* or *tefillin* bag? What about using such a bag to hold a sacred item like a *siddur*? May one place a Tanach used for the *haftaros* in an *aron kodesh*? What about non-sacred items such as tablecloths? May one place a *siddur* on the *bima*? What about placing one's hat there?

Background from previous article: The previous article on this topic discussed a category of objects called *tashmishei kedusha*. This category includes covers, holders and containers of holy objects such as *tefillin* and Torah scrolls. The Gemara (Megillah 26b) teaches that such objects require *geniza* (lit., hiding; i.e., they must be stored away or buried) when discarding.

There is another type of item called a *tashmish ditashmish*, an item that doesn't serve the *kedusha* item itself but, rather, serves the *tashmish kedusha*. A *tashmish ditashmish* does not require *geniza*.

An *aron* and *bima*¹ are presumably *tashmishei kedusha*, since they service the Torah scroll. A decorative *tefillin* bag is considered a *tashmish kedusha* and requires *geniza*. However, its plastic cover is a *tashmish ditashmish* and does not require *geniza*. A *tallis* bag, however, is not a *tashmish kedusha*, since a *tallis* is a mitzvah item, not a *kedusha* item. Even if it's used to also hold a *tefillin* bag, it's likely not considered a *tashmish kedusha* but, rather, a *tashmish ditashmish*.

Use for other purposes: The question that now needs to be answered is what, if any, are the restrictions regarding using a *tashmish kedusha* or *tashmish ditashmish* for other uses?

The Gemara (Brachos 23b) teaches that there are restrictions regarding the use of *tashmishei kedusha*. The Gemara says that one who uses a designated cloth in which to keep his *tefillin* may not use that cloth to hold money. The Gemara further explains that that this restriction applies only when two conditions are met: 1. The cloth was designated to be permanently used to cover the *tefillin*. 2. The cloth was actually used at least once for the *tefillin*. However, if one merely designated the cloth but has not used it yet, or one used a cloth but did not designate it to be used permanently, the cloth has no special status and may be used for money. These rules regarding a *tefillin*-cover cloth are codified in Shulchan Aruch (Orach Chaim 42:2).

Based on this, it may be concluded that one may not place a mundane object in a typical *tefillin* bag. In general, *tefillin* bags are permanently designated for *tefillin*, and so when it is used for the first time, it becomes subject to the restriction on using it for money or the like. Therefore, a checkbook may not

be stored in a *tefillin* bag.

What about placing a sacred object such as a *siddur* in a *tefillin* bag? The answer to this question is found in a different Gemara (Megillah 27a). The Gemara says that one may not use Torah scroll covers to cover scrolls of *Nevi'im*. This Gemara teaches that a *tashmish kedusha* may not be used for anything that is of lower *kedusha* than its original use. A Torah scroll has more *kedusha* than a scroll of *Nevi'im*. Therefore, a cover that is designated and used for a Torah scroll may not be lowered by using it for *Nevi'im*.

Based on this, one would not be allowed to use a *tefillin* bag for anything of lesser *kedusha* than *tefillin*. Thus, even a *siddur* or a *chumash* would not be allowed, as they have less *kedusha* than *tefillin*. Indeed, the Mishna Berura (42:16) rules that one may not keep a *siddur* in a *tefillin* bag.

The Mishna Berura (ibid.:11) reports that there were some people who would place other objects in the *tefillin* bag when traveling. Based on the above sources, the Mishna Berura rules that this should not be done.

However, the Mishna Berura concludes that there may be some justification for this practice, as well as that of keeping a *siddur* there, based on a concept mentioned by the Rema which has many practical applications regarding our topic.

Conditional designation: The Rema (42:3) writes that if one initially designated a *tefillin* cover on condition that it continue to be used for mundane purposes, then such use is permitted.

The Mishna Berura explains that those who occasionally keep other objects in their *tefillin* bags may well have intended to do so from the time they initially began using the bag for *tefillin*. In that case, they may be considered to have implicitly made a condition in the designation of the bag to use it for those other purposes. Such use would then be permitted based on the Rema's ruling.

Let us explore this concept of conditional designation.

The source for this concept is in the Talmud Yerushalmi. The Yerushalmi (Megillah 4:1) tells of a place where they would keep a certain tool inside the *aron kodesh*. Although one may generally not keep other items in an *aron kodesh*, as is the rule regarding *tashmishei kedusha*, in that case it was allowed because a stipulation was made at the time of the initial designation to allow it. This ruling is codified in Shulchan Aruch (Orach Chaim 154:8).

Based on this, the Shulchan Aruch (154:10) justifies an interesting ancient custom that was practiced on Simchas Torah. The custom in some shuls was to place the crown that usually adorned the *Sefer Torah* upon the head of the *chasan Torah*, the person who received the final *aliya* at the completion of the reading of the entire Torah. This custom is puzzling, as it seems to violate the restriction against using *tashmishei kedusha* for other uses. The Mishna Berura (154:42), based upon earlier commentaries, explains the Shulchan Aruch's reasoning, saying this is allowed because when the crown was designated for the *Sefer Torah*, there was an implicit condition that it may be used for the purpose of following this custom.

However, the Shulchan Aruch (ibid.) objects to a similar practice where some

¹ Or *bima* cover, since the Torah scroll is placed upon it and not directly upon the *bima*.

would place the Torah crown on the head of a *chasan*, a groom, at his wedding. The Mishna Berura (ibid.) explains that although one may assume that a condition was made to allow the use of the crown for the honor of the Torah by adorning the *chasan Torah* on Simchas Torah, one may not assume such a condition was made to adorn the *chasan* at a wedding. Using a Torah crown for something other than honoring the Torah is considered inappropriate, and so the assumption is that no condition was implicitly made to allow it.

Defining the conditionally designated item: There is a fundamental question regarding how to define this conditional designation. Does the stipulation totally negate the item's designation as *tashmishhei kedusha*? This would mean that the stated intent to use the item for other purposes precludes it from being considered *tashmish kedusha*, which is defined as something exclusively used for *kedusha*, not one that is intended for other use as well. On the other hand, perhaps the stipulation doesn't negate the item's *tashmish kedusha* status entirely, but merely reduces its status to a lower level which allows for other uses.

There are a number of possible ramifications of this question. One is if a *tashmish kedusha* with a conditional designation would require *geniza*. Another is if one may use such an object for any mundane use or only for the use specified by the stipulation. If the status of *tashmishhei kedusha* is entirely negated *geniza* would not be required and there would be no restrictions on its use for other purposes². However, if the item retains its *tashmish kedusha* status, albeit at a lower level, *geniza* would be required and the stipulation would permit only the use specified, not other uses.

A closer examination of the halachos discussed above will shed light on this question. As discussed above, the Shulchan Aruch mentions two customs regarding using the crown of a *Sefer Torah*, one on Simchas Torah and one at a wedding. As explained, the crown's use on Simchas Torah is permitted because of an implicit stipulation, while there is no such implicit stipulation for its use at a wedding. It seems that the very same Torah crown which one may use on Simchas Torah may not be used at a wedding. This indicates that although there is an assumed stipulation in the designation of the *Sefer Torah* crown as a *tashmish kedusha*, thus allowing the use on Simchas Torah, that does not negate its status as a *tashmish kedusha* and its use at a wedding remains forbidden³.

Similarly, the simple reading of the Shulchan Aruch and its commentaries indicates that the stipulation that allows mundane use does not negate the *tashmish kedusha* status requiring *geniza*. The Shulchan Aruch (Orach Chaim 154:1) says that items that serve a *Sefer Torah* require *geniza*. Later in the same *siman* (ibid.:8), the Shulchan Aruch (ibid.:8) writes regarding those same items that a stipulation allows using those items for mundane purposes. Neither the Shulchan Aruch nor any of its major commentaries say that the stipulation described there negates the previously stated requirement of *geniza*.

From these sources it appears that although conditional designation allows one to use a *tashmish kedusha* such as a *tefillin* bag for mundane use, its essential status as a *tashmish kedusha* and its associated halachos remain applicable.

Practical halacha: In summation, one may not use a *tefillin* bag for anything other than *tefillin* unless a stipulation, either explicit or implicit, was made initially to allow other use. An "implicit stipulation" seems to refer to situations where there is valid reason to assume that the person intended to use the bag

² Although it certainly may not be used for a *tashmish meguneh* (disgraceful use) (Mishna Berura 154:34).

³ This point requires further study. See Mishna Berura 42:11 who seems to allow other uses when a stipulation was made for a specific use. However, the Biur Halacha (ibid. s.v. *tefillin*) suggests that the Chayei Adam does not allow it.

for that purpose from the start. However, it can be difficult to ascertain what exactly is included, and so it is advisable that, before using a new bag, one make an explicit stipulation for planned uses beyond placing the *tefillin* inside.

On the other hand, the plastic bag often used to cover the *tefillin* bag is not considered *tashmishhei kedusha* but a *tashmish ditashmish*, since it does not directly contain the *tefillin*. The Mishna Berura (42:9,11) writes that there are no restrictions on a *tashmish ditashmish*. Thus, there would be no halachic restrictions on placing other objects in the plastic cover⁴.

Regarding a *tallis* bag, the Mishna Berura (42:11) rules that it is not subject to any restrictions because a *tallis* is not a sacred object, but, rather, a mitzvah object, and so its bag is not considered a *tashmish kedusha*. The Mishna Berura continues that even if the *tallis* bag also contains the *tefillin* bag, one may still use the *tallis* bag for other objects⁵.

Regarding an *aron kodesh*, the Mishna Berura (154:31) writes that technically, one may not keep a *Sefer Torah* that is *pasul* (invalid) in the *aron kodesh*, because it has less *kedusha* than the kosher ones for which the *aron* is designated. However, he cites the Magen Avraham (154:14) that it may possibly be permitted because of an implicit condition in the designation. Indeed, this is the common practice. Nevertheless, the Mishna Berura concludes that one should not place other objects such as *chumashim* in the *aron kodesh*.

It seems from these sources that the implicit condition is limited to placing a *pasul Sefer Torah*, but not to other objects of lesser *kedusha*. However, in some shuls today it has become customary to place other objects such as scrolls of *Nevi'im* or Torah crowns in the *aron kodesh*, and this, too, may be justified on the basis that the custom creates an implicit stipulation.

The *bima* used for the Torah reading should also be subject to the restrictions of *tashmishhei kedusha* and not used for anything other than a *Sefer Torah*. However, the common custom is to place related items such as *chumashim*, *siddurim*, the *gabbai's* lists and other similar items on the *bima*. It may be assumed that the original designation of the *bima* was conditional on permitting these uses. The Rema (Orach Chaim 154:8) writes that in general, it has become customary to use many of the sacred objects in shuls for other uses. The reason, says the Rema, is that since it has become customary to do so and it's not possible to avoid, *bais din*⁶ automatically makes the designation conditional.

This would be grounds to allow using the *bima* for other uses. However, the Mishna Berura (154:36) writes that this allowance only applies when there is a clear custom, but in the absence of a clear custom, we cannot assume that a condition was made.

Thus, although placing a *siddur* or *chumash* on the *bima* is clearly customary and thus permissible, it is not necessarily permitted to place a hat or the like on the *bima*, and, in the absence of a clear custom, one should avoid doing so.

By giving proper attention to these halachos, we increase our sensitivity to the honor of Torah, which helps elevate us in all aspects of our lives.

⁴ However, if one keeps a *siddur* in the plastic bag, it could possibly be a *tashmish kedusha* because it directly holds the *siddur* (while *tefillin* are inside a bag). This requires further study. See next footnote.

⁵ However, if one typically keeps a *siddur* in the *tallis* bag, see Mishna Berura ibid. who is somewhat more stringent. If one keeps a *siddur* in the plastic cover of the *tefillin* bag, that may be even more of an issue, since the plastic bag is not used directly for the *tallis*, a non-*kedusha* item, but only for the *siddur*. See, however, Mishna Berura 154:9 who seems to contradict this.

⁶ The term *bais din*, used by the Rema, would seem, in modern times, to refer to those in charge of the shul's *tashmishhei kedusha*.

Points to Ponder:

May one place Rabbeinu Tam tefillin in the same bag used for regular Rashi tefillin?

May one lean upon a bima?

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