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

Overview

Siman 32 Seif 10:

After marking a letter-like sign of holes in parchment with an awl one does not have to be concerned that a gentile replaced the parchment and forged the sign since gentiles are afraid that the Jew will recognize the forgery.

- According to some one should write something on the top of the inside of the hide, a place that is not treated, and the writing should remain there until the hide is finished being treated in order to alleviate concerns of a forgery. *B'dieved*, one may rely upon Shulchan Aruch's ruling. (M.B. 31)

Siman 32 Seif 11:

If it is possible to rectify a hide that was treated without intent for the *mitzvah* is addressed in *Yoreh Deah siman* 271.

Siman 32 Seif 12:

The *klaf* should be made from the hide of a kosher animal, whether domesticated or undomesticated, or bird even if the animal was a *neveilah* or a *tereifah*. *Klaf* may not be made from non-kosher species since the pasuk indicates that *tefillin* must be made from a species that one may eat. The skin of a fish may not be used even if kosher since it has an abundance of filth.

Siman 32 Seif 13:

The *klaf* should be whole without holes that do not allow the דיו to pass over, in other words the hole may not be large enough that it makes a letter appear as two separate letters.

- The hole must be small enough that when the *kulmus* passes over the hole the hole becomes filled with דיו but if the hole is larger, causing the letter to appear split in two, it is invalid. Even if the hole is in the middle of the thickness of a letter and is completely surrounded by דיו it is invalid. (M.B. 32)
- If after the letter was written properly, the *klaf* was punctured its validity depends upon whether the letter retains its essential shape as will be explained in *seif* 16. (M.B. 32)

Halacha Highlight

The origin of the *klaf*

Shulchan Aruch Siman 32 Seif 12

יהיה הקלף מעור בהמה וחיה ועוף הטהורים

The *klaf* should be made from the hide of kosher domesticated animals, undomesticated animals and birds

The Gemara Shabbos (108a) derives from the pasuk (Shemos 13:9), למען תהיה תורת ה' בפיך—In order that the Torah of Hashem should be in your mouth – that the *klaf* in one's *tefillin* must be made from that which is permitted for one to eat. Primarily this means that the hide that is used for one's *tefillin* must come from a kosher creature rather than from a non-kosher creature. Therefore, one may take the hide of a kosher domesticated animal, an undomesticated animal or even a bird. The Gemara asks whether one may use the skin of a kosher fish and since the Gemara does not definitively resolve that inquiry Poskim adopt a stringent position that one may not use the skin of even a kosher fish for one's *tefillin*.

The requirement that one use something that one is permitted to eat does not mean that the hide must be taken from a properly slaughtered animal or bird. A Beraisa (Shabbos 108a) teaches that the emphasis of the *drosha* is that the hide must come from a kosher **species** of animal but the particular animal that is used does not have to be permitted for consumption. Consequently, it is permitted to take the hide of a *neveilah* or *tereifah* animal to manufacture *klaf*.

Bais Yosef mentions (See Biur Halacha ד"ה יהיה הקלף) that preferably one should take the hide of an animal fetus. Sefer HaTerumah (סי' ר"ז) offers a simple reason for this choice which is that the skin is relatively soft and pliable making it easier to manufacture. Additionally, one can be certain the animal had not yet been used for sin. Rama MiPano (שו"ת רמ"ע מפאנו סי' ל"ז) explains that since the skin of a fetus never entered the world alive it never benefitted from the physical world and as such is not subject to Divine justice.

Stories to Share

A Clear Sign

ש"ע ס' ל"ב, י': "כשמסמנין הנקבים במרצע כעין אותיות אע"פ שנקל לזייף אין חוששין..."

We find on today's amud that when one makes a notation on parchment which was tanned lishmah, he may cleave out letters with his awl as a marker. Even though this can easily be forged by the non-Jew, we assume that he is afraid to do so.

A certain group of people working in preparing parchment lishmah wished to make an easier siman. Although they knew that any old sign was not enough, they reasoned that if they merely filled in a hole or several according to their siman, this would be enough to ensure that the parchment had not been tampered with.

When the Eliyahu Rabbah, zt"l, was confronted with this question he ruled that this precaution was not enough. "They must follow the din and make letters. Even post-facto it is forbidden to rely on this as a sign that a non-Jew did not switch the parchment."

אליהו רבא, ס' ל"ב, א' י"א

But what about if one did make letters but failed to check them when he took the kelaf from a non-Jewish messenger? Was there any problem in this? When someone asked the author of Meleches Shamayim, zt"l, about this he ruled that it was not enough. "You must check the parchment sent via a non-Jew for the letters that are placed there by arrangement before taking it. It is only in this manner that the non-Jews will remain afraid to switch the parchment. But if he doesn't bother to check the siman before taking them, why would the non-Jews remain afraid that any artifice will be discovered?"

מלאכת שמים, כלל ג', אות ז' בחכמה