The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ל"ב סעיף ל"ו

Overview

Siman 32 Seif 36 (a):

All the *parshiyos* of one's *tefillin* should be *pesuchos* except for the *parsha* which appears last in the Torah, namely, והיה אם שמע which should be written *setumah* and if one deviated from this procedure the *tefillin* are invalid. Some opinions maintain that if all the *parshiyos* were made *pesuchos* it is valid and in Ashkenazi countries the custom is to begin the *parsha* of והיה עם שמע at the beginning of the line as is done with the other *parshiyos*.

- The requirement described in this *seif* applies to the *tefillin shel yad* but the custom is to follow the same pattern for the *tefillin shel rosh* as well. (M.B. 155)
- The way the *parshiyos* are made *pesuchos* is by leaving nine letters worth of space empty at the end of one *parsha* and then start the next *parsha* at the beginning of the next line. (M.B. 156)
- The lenient opinion of Rema is only *b'dieved* . (M.B. 158)
- The lenient opinion only allows making the *parsha* of והיה אם שמע *peshucha* but if the *parsha* of שמע filled the last line and the first line of והיה עם שמע starts at the beginning of the next column without a blank space it is invalid according to all opinions. (M.B. 159)
- There is no need to leave empty space at the end of the *parsha* of והיה אם שמע and the custom is for the words על הארץ to be written at the end of the last line. (M.B. 159)
- Although Rema cites the custom to write the last *parsha* in the style of *pesucha*, nevertheless, later authorities maintain that the ruling of Shulchan Aruch should be followed. (M.B. 160)
- According to the custom cited by Rema one should make all the *parshiyos pesuchos* for Rabbeinu Tam's tefillin as well. (M.B. 161)

Halacha Highlight

"Open" and "closed" paragraphs

Shulchan Aruch Siman 32 Seif 36

יעשה כל פרשיותיה פתוחות וכו'

All the *parshiyos* should be made "open" etc.

An introduction to this *seif* is necessary to understand it fully. Toras Kohanim (פרשה א ד"ה וידבר) teaches that the different paragraphs of the Torah were inserted in order to give Moshe Rabbeinu time to contemplate what was just taught before moving on to the next paragraph. The Gemara Shabbos (103b) teaches that an open paragraph (פתוחה) may not be written as a closed paragraph, (סתומה) nor may a closed paragraph be written as an open paragraph. In other words there are some paragraphs that begin after an "open" space and there are other paragraphs that begin after a "closed" space. Rambam and Rosh disagree about what constitutes an "open" paragraph and a "closed" paragraph.

Rambam (פ"ח מהל' ספר תורה) explains that an open paragraph is one where the text begins at the beginning of the line and it is the line above it that is empty. An empty line could mean that the entire line is empty or even if the space necessary to write nine letters is left empty at the end of the previous line. A "closed" paragraph is one in which the new paragraph begins at the beginning or end of the line and there is empty space at the beginning or middle of the line.

Rosh (הל' ספר תורה סי' י"ג) writes that an "open" paragraph is one in which one leaves empty space equal to nine letters at the beginning of the line and the text begins after that space. Another form of an "open" paragraph is when one leaves empty space equal to nine letters at the end of a line and begins to write at the beginning of the next line. A "closed" paragraph is one which has empty space in the middle of a line and text before and after that empty space. Similarly, if one left a line completely blank and began to write on the following the line it is considered a "closed" paragraph.

Stories to Share

A Change of Custom

ש"ע סי' ל"ב, ל"ו: "ואם שינה פסול ..."

There is a huge dispute about whether one should don tefillin on chol hamoed. The Rosh, Smag, Hagahos Maimonios, Sefer Haterumah, Tosafos, Maharshal, and Rama all rule that one must wear tefillin on the intermediate days of the festivals. On the other side, not a few authorities argue. The Rashbah, Ramban, Sefer Ha-Chinuch, Eshkol, Nimueki Yosef, and the Geonei Sefarad all rule that it is prohibited to wear tefillin during that time.

The account of Rav Yaakov Emden in this regard is truly fascinating. "Although the prevalent custom of the Sefardic lands was to rule like the Rosh and wear tefillin on chol hamoed, when the Zohar was revealed they changed their custom and refrained. And this was the custom of my father, the Chochom Tzvi, as well.

He concluded, "Since the proofs of the Rosh were refutable, they gave honor to the Zohar and let go of their old ways..."

שו"ת שאילת יעב"ץ, סי' מ', ע"ש

Although the Vilna Gaon held like the Zohar, the prevalent custom among Ashkenazim was always to wear tefillin on chol hamoed. Some great Ashkenazic authorities agreed with the Vilna Gaon in principle but could not overtly go without tefillin on chol hamoed. The manner in which they surmounted this difficulty was quite brilliant.

As we see on today's amud, even reversing the manner in which the parshios are written is enough to invalidate them. These gedolim simply removed the parshios of their tefillin. But what about the blessing? How could they avoid notice if they failed to intone the blessing on tefillin only during chol hamoed? The Beis Yisrael explains that this is one reason why the Ashkenazi gedolim instituted that during chol hamoed, the blessing is recited in an undertone.

תפארת בנים, ח"א, ע' פ"ב-פ"ג

Rav Menashe Ungvar, zt"l, writes that the Chasam Sofer had two pairs of Rashi tefillin which were carefully examined after he passed away. It should be no surprise that the pair that he only wore on chol hamoed had no parshios in them!

משנה הלכה, ח"ה, סי' י'