The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, Dec 2, 2025 ■ י"ב כסלו, תשפ"ו
סימן ל"ב סעיף ל"ו

Overview

Siman 32 Seif 36 (b):

Therefore, the custom is to begin the *parshiyos* of קדש, והיה כי יבאך and שמע at the beginning of the line. The end of the *parshiyos* of קדש and והיה כי יבאך should be left with empty space at the end of the paragraph in which nine letters could be written. The end of the *parsha* of שמע should not have any blank space where the paragraph concludes and if one leaves empty space it should be smaller than the space necessary to write nine letters The *parsha* of והיה אם שמע should begin in the middle of the line with enough empty space for nine letters before writing. It turns out that three *parshiyos* are *pesuchos* according to Rambam and Rosh and the fourth *parsha* is *setumah* in accordance with Rambam's position.

- If one did not begin a new *parsha* at the beginning of the line but indented it somewhat, even if less than the space of nine letters it is considered *setumah* according to Rambam and thus invalid. Pri Megadim entertains the possibility that even if it is indented the space it takes to write one or two letters it is invalid but Sefer Ma'amar Mordechai is lenient *b'dieved*. According to all opinions one should be careful to start writing at the beginning of the margin. (M.B. 162)
- If one realizes that he indented the first word of the first line he should indent the first word of all the rest of the lines so that all of the lines will be uniform. (M.B. 162)
- Later authorities write that *l'chatchila* one should leave blank the amount of space necessary to write the word אשר three times including space for a י between words. *B'dieved* if space for only nine letters was left blank it is valid. (M.B. 163)
- Taz suggests leaving empty space less than the length of nine letters and at the beginning of the *parsha* of והיה אם שמע indenting less than nine letters of space and this procedure would be considered *setumah* according to all opinions and the Mishnah Berurah concludes that either procedure is acceptable. (M.B. 164)

Halacha Highlight

The correct procedure for writing the last two paragraphs

Shulchan Aruch Siman 32 Seif 18 (b)

ופרשה אחרונה היא סתומה לדעת הרמב"ם

The last paragraph is closed according to Rambam

Shulchan Aruch rules that the first three paragraphs should be "open" and the last paragraph should be "closed." In other words, the text of the first three paragraphs begins at the beginning of the line. The end of the first two paragraphs must have blank space equal to the size of nine letters. The end of the third paragraph must not contain any empty space. The final paragraph must begin in the middle of the line with empty space equal to nine letters before the text begins. By following this procedure the first three paragraphs are "open" in accordance with Rambam and Rosh and the last paragraph is "closed" in accordance with Rambam's position. Mishnah Berurah (ס"ק קס"ד) explains that Shulchan Aruch's procedure is based on the fact that one cannot make the last paragraph closed in a manner that fulfills the definition of Rambam and Rosh.

Mishnah Berurah (ס"ק קס"ד) quotes Taz who suggests a method that would accommodate Rambam and Rosh's definition of a "closed" paragraph. He suggests that at the end of the third paragraph one should leave empty space less than nine letters. Similarly, at the beginning of the fourth paragraph one should leave empty space smaller than nine letters. Since an empty space of nine letters does not exist in a single spot it is considered "closed" according to both definitions.

Most Ashkenazi communities follow the opinion of Taz and someone of Ashkenazi descent who does not know his custom should follow Taz's procedure. However, if one does not have his own *tefillin* he may borrow *tefillin* that follow Shulchan Aruch's procedure. Sephardim, on the other hand, follow Shulchan Aruch's procedure for the last two paragraphs. Furthermore, they should avoid using *tefillin* that is made in accordance with Taz's position since according to Shulchan Aruch it does not fulfill the requirement of "closed" according to either opinion (ע' פסקי תשובות אות נ"ו).

Stories to Share

"What's Done is Done"

ש"ע סי' ל"ב, ל"ו: "ופרשת שמע ..."

Today's amud continues to discuss the halachos of the parshios of tefilin.

A certain man purchased tefillin for a reasonable price, but just to be sure he sent them to a sofer to be checked. The sofer reported that they were fine and the owner began to wear his new tefillin daily.

After approximately ten years, the owner sent his tefillin to a sofer to change the straps and after another year, he sent them to another sofer to go over the parshios to ensure that nothing was amiss. To the sofer's horror, he found that both the head and hand tefillin had no parshios in them at all. Sadly, someone had inserted exactly enough seeds into each bayis to give it the proper feel and avoid detection.

This man was devastated, and—like many throughout the ages in similar straits—wondered how he could rectify this terrible loss.

Rav Yosef Shalom Elyashiv, zt"l, was once asked about a similar situation. A man had, years earlier, purchased tefillin for a large price from a G-d fearing sofer. Unfortunately, it was later discovered that there was a letter missing from one of the parshios, rendering the tefillin invalid. Since this man had worn these tefillin for many years he was especially broken.

Rav Eliyashiv comforted the forlorn man as well as he could. "Regarding such cases, the Eshel Avraham of Botschasch, ruled: 'מאי דהוה הוה'—What's done is done.' The same is true in your case.

He added, "Like you, the man he discusses did everything he could to procure tefillin that are kosher, purchasing them for a large price from a G-d-fearing sofer and giving the parshios in to be checked before he wore them. Since there was nothing else you could have done, you will not be judged for making a brochah l'vatalah and wearing invalid tefillin."

עלינו לשבח, ח"ו, ע' ק'