

## Overview

### Siman 33 Seif 1:

If the leather of two adjacent compartments of the *shel rosh* becomes damaged – if the *tefillin* are old they are invalid but if they are new they remain valid as long as the *titura* is intact. The *bayis* must be intact, it is just that they could be partially torn. According to some slightly torn old *tefillin* are valid and new *tefillin* are invalid. It appears that one should be strict in accordance with both opinions. **"New"** is defined as *tefillin* that if one pulls the *retzuos* the compartments separate from one another and if they do not separate it is considered **"old."** If two non-adjacent compartments become damaged, e.g. the first and third compartment, the *tefillin* are valid even if they are old but if three compartments become damaged the *tefillin* are invalid.

- ❖ If the compartment of the *shel yad* became damaged and tore it is invalid according to all opinions. (M.B. 2)
- ❖ Sefer Pischei Teshuvah maintains that if one knows that the leather was torn by a knife it may be repaired with glue. (M.B. 4)
- ❖ Bais Yosef explains and this is also Rema's position that if the outside of the bayis of the *shel rosh* (i.e. the part visible to the eye) is torn even on one side it is invalid. (M.B. 6)
- ❖ The definition of **"new"** is limited to circumstances in which the batim and *ma'avarta* are made from the same piece of hide but does not apply according to those who make them from different pieces of hide. (M.B. 8)
- ❖ When compartment 1 and 3 are torn the *tefillin* are valid even if both sides of compartment 3 are torn. (M.B. 9)

### Siman 33 Seif 2:

According to Rambam if two adjacent stitches rip or if three stitches rip even if they are not adjacent the *tefillin* are invalid. This ruling is limited to **"old"** *tefillin* but **"new"** *tefillin* remain valid as long as the *titura* is intact. If one grasps some of the leather near the torn stitch and the *tefillin* remain suspended they are considered **"new"** but if the leather tears it is considered **"old."** According to some **"new"** *tefillin* are invalid and **"old"** *tefillin* are valid and one should be strict in accordance with both positions.

- ❖ According to other Poskim *tefillin* remain valid if two adjacent stitches tear but when three stitches tear one must replace all the stitches. (M.B. 12)
- ❖ Rema means that one should be stringent regarding old and new *tefillin*. *B'dieved*, one may be lenient in all cases except that when three stitches are torn one should not recite the *beracha* when donning such *tefillin*. (M.B. 15)

## Stories to Share

### Respectful Disposal

ש"ע סי' ל"ג, סי' א': "אם נתקלקל עור הבתים..."

Today's amud discusses batim which have become invalid.

A certain person's tefilin wore out after many years of excellent service. He procured a new pair and wondered what he should do with his old batim and retzuos, which were very worn and hardly useable. It didn't seem right to just put them in genizah with fragments of seforim and the like. After all, aren't tefilin much more holy than much of what is placed in genizah?

When this question reached Rav Moshe Sternbuch, shlit"a, he

## Halacha Highlight

### Torn stitches

Rema Siman 33 Seif 2

אם נפסקו תפירות התפלין

If the stitches of one's *tefillin* become torn

The Gemara Menachos (35a) records R' Huna's ruling that even if one's *tefillin* are damaged as long as the surface of the tablet remains intact the *tefillin* are valid. R' Chisda disagrees and asserts that if two are split the *tefillin* are valid but if three are split the *tefillin* are invalid. Rava explains that *tefillin* remain valid when two split only if they two are not adjacent to one another but if they are adjacent to one another the *tefillin* are invalid. Rambam (פי"ג מה"י תפלין הי"ח) explains that the Amoraim in the Gemara are discussing the stitches of one's *tefillin*. Shulchan Aruch records Rambam's opinion in סעיף ב'. Most other Rishonim, however, explain that the Amoraim are discussing the consequence of one's *tefillin* becoming damaged and as a result, tearing. This is the topic of Shulchan Aruch in סעיף א'. According to the other Rishonim it seems that the basis to invalidate *tefillin* if the stitches rip is based on a Yerushalmi referenced by Sefer HaTerumah as cited in Sefer Halacha Berurah that although it is a disgrace if two stitches are torn, *tefillin* do not become invalidated until three stitches become torn. Yet other Rishonim do not even mention that *tefillin* could become invalidated if even three stitches are torn.

Mishnah Berurah's conclusion (ס"ק ט"ו) is that initially one should be concerned about the stringent opinion and should repair *tefillin* if two adjacent stitches become damaged or wear another pair of *tefillin*. If, however, one cannot obtain other *tefillin* and does not have the option to repair the ripped stitches one may rely upon the lenient opinions who maintain that *tefillin* with ripped stitches, even if three of the stitches are ripped, are valid. The only qualification he adds to this *b'dieved* ruling is that one should not recite the *beracha* when wearing *tefillin* that have three ripped stitches.

ruled that indeed there should be a separation between genizos. "It seems obvious that today one should not put even tefillin straps in the regular genizah, especially since people put newspapers in genizah. These are filled with mundane information although they also contain a slight amount of Torah. Such papers do not actually require genizah, although they must be left to decompose and may not be thrown in the trash. Even worse, at times people put complete foolishness in genizah.

"If one places old mezuzos, tefillin straps, and batim in genizah with such newspapers, especially with printed items which have less kedushah and must only be kept from disgrace, this constitutes an insult to the retzuos and batim, since often these items are kosher and can still be used. In this case they remain holy.

"Therefore one should have two separate places for genizah. One for regular genizah and one for worn Torah parchments, tefillin, mezuzos, batim, and straps, and a separate genizah for other items of regular sheimos.

"It is important to note that if one wraps old tefillin straps in paper or plastic, this may be enough to permit their being placed in regular genizah. This is the prevalent custom regarding terumos and ma'asros. Although it is forbidden to put terumos and masros into the trash, the custom is to wrap them and not worry about this prohibition. According to this same logic, it is plausible that one may put retzuos in genizah if they are wrapped."