The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ל"ד סעיף א'-סימן ל"ו סעיף א'

Overview

Siman 35 Seif 1:

The custom regarding the number of lines of text is that the *parshiyos* of the *shel yad* have seven lines and the *parshiyos* of the *shel rosh* have four lines. If one deviated from this pattern the *tefillin* are not invalid

- Included in glorifying Hashem's name is writing *tefillin* in a manner that the letters will not fade quickly, therefore, one should avoid using *tefillin* whose writing is very small since it is prone to having errors and fades quickly. (M.B. 3)

Siman 36 Seif 1:

One should be careful when writing the letters and should not deviate from their correct shape so that it should not appear like another letter. *L'chatchila* the letters should be complete as described by Tur and other Poskim and these details are well known to scribes. In the event that one changed an aspect of the letter it is not invalidated.

- If the shape of a letter was affected by a hole or tear in the parchment it is invalid. (M.B. 1)
- Even if part of the letter was damaged it is invalid. (M.B. 2)
- There is a disagreement whether a letter is valid if part of it looks like another letter. (M.B. 3)
- Noda B'Yehudah rules that only parts of a letter described in the Gemara could invalidate a letter. (M.B. 5)

Stories to Share

A Difference of Style

ש"ע, סי' ל"ו, א': "שלא תשנה צורת שום אחת מהם ולא תדמה לאות אחרת..."

A certain Sefardic Jew lost his tefillin and was unsure how to proceed. It would take some time to procure others and the only tefillin available were written according to the Ashkenazic custom which has significant differences from the Sefardic writing style. He wondered if Ashkenzic tefilin discharged his obligation or not.

When this question came before the author of the Beis Oved, he ruled that was a big problem. "Rav Yaakov Molcho and others rule that Ashkenazic tefillin do not discharge a Sefradic Jew's obligation since the letters are not according to our tradition. If there are no other tefillin, he should certainly wear what is available, since this psak is not clear, but he may not make a blessing since it is not clear that a Sefardic Jew discharges his obligation with these tefillin."

But in a later work, he changed his position. "The Noda B'Yehudah writes that on a daily basis both Sefardim and Ashkenazim are called up to the Torah in a scroll written according to a different tradition. This is completely acceptable since both admit that b'dieved one discharges his obligation with either writing style.

The Beis Oved concluded, "Clearly the same is true regarding tefillin. Therefore a Sefardic Jew who only has Asheknazic tefilin can even make a blessing on them since we see from the Noda B'Yehudah's proof that that the distinction in writing style does not keep him from discharging his obligation."

בית מנוחה, בדיני צורת האותיות, סי' ע"ו

Halacha Highlight

Using *tefillin* that has a different script

Rema Siman 36 Seif 1

מיהו אם שנה בצורת הכתב אינו פסול

However, if he changed the appearance of the script it is not invalid

Shulchan Aruch (סי' ל"ו סע' א') writes that a scribe must be careful when writing *tefillin* to form the correct letter. If one deviates from the correct way to form a letter, e.g. he left out the "thorn" of the "yud" or if the "yud" on top of an "aleph" is completely attached to the center, the tefillin are invalid (מ"ב סי' ל"ו סק"ב). Rema adds that preferably the letters should be made completely in accordance with the shape that was described in the Talmud and by the Rishonim which is known to scribes, but if a letter is not consistent with that picture it remains valid. The source for this ruling is a statement of Rosh (שו"ת הרא"ש כלל ג' סי' י"א). He writes that the appearances of the letters are not the same in all countries and these differences do not invalidate the writing.

Birkei Yosef (סי' ל"ו סק"ב) cited by Sha'arei Teshuvah (סק"א) writes that tefillin writing in the Ashkenazi form of making the letters is invalid for a Sephardi (ע' פסקי תשובות אות א' הע' 2 שנראה דהגאון חיד"א אינו סובר כן לעצמו דבכמה מקומות כתב על ע"ז דאלו ואלו דברי אלוקים חיים). Noda B'Yehudah (מהדו"ק יו"ד סי' פ' ומהדו"ת יו"ד סי' קע"א) disagrees and writes that only those features that are described in the Talmud are essential but if one deviated in other aspects of the appearance of the letters the letters remain valid. Chasam Sofer (שו"ת יו"ד סי' רס"ז) wrote that any feature of a letter that has a clear tradition that traces itself back to Chazal is essential even if it is not mentioned in the Gemara. Being that the differences between the different styles of scripts do not affect the validity of the letters, one is allowed to borrow a friend's pair of tefillin even if the letters in his tefillin are shaped differently from his own. There may be a different reason, however, to avoid using someone's tefillin who has different customs and that relates to the manner in which the paragraphs are formed (See Mishnah Berurah Digest Siman 32 Seif 18b).