

Overview

Siman 39 Seif 2:

Anyone who may not write *tefillin* may not participate in any part of the making of the *tefillin*.

- ❖ Someone whose left arm was amputated is fit to write *tefillin* even though he is exempt from wearing *tefillin* since he is essentially obligated to wear *tefillin* and his exemption is the result of a practical consideration rather than a *halachic* exemption. (M.B. 9)
- ❖ Manufacturing the parchment may be done by a gentile, a woman or a child but someone must stand by the gentile to assure that his work is done for the sake of the *mitzvah*. (M.B. 10)
- ❖ A gentile may *b'dieved* scratch off ink that connects two letters since that is not considered an act of writing but preferably this should not be done by a gentile. (M.B. 10)

Siman 39 Seif 3:

A convert who returned to his religion out of fear remains fit to write *tefillin*.

- ❖ The fear is that he would be killed. (M.B. 11)
- ❖ Magen Avrohom writes that one should not be lenient in this case if he could wear *tefillin* in private but does not do so out of laziness. (M.B. 11)
- ❖ Magen Avrohom in the name of Darkei Moshe writes that a *mamzer* and a *ger toshav* may write *tefillin* and *mezuzos* but other authorities write that a *ger toshav* is invalid to write *tefillin* since he is not obligated to don *tefillin*. (M.B. 11)

Stories to Share

The Pharmacist's Heroism

מ"ב ס' ל"ח, ס"ק י"א: ואף דבאמת היה לו למסר נפשו על אמונת ה'...

On today's amud we find that one is required to sacrifice his life if his only other option is to reject Judiasim.

During the Bolshevik revolution, there were many bloody battles between those still loyal to the Czar and the Communists. The only thing that held steady throughout the period was that the Jews inevitably suffered wherever the "Whites" were in conflict with the "Reds." It didn't matter which side came out on top; either way, the winners would invariably claim that the Jews were traitors and deserved punishment.

Once, the Reds came to a small Russian village and completely overtook the area. Immediately, they declared that the local Jews were guilty of treason and should be put to death. The Bolsheviks rounded up the Jews in the town square and prepared a firing squad. The entire village was forcibly assembled, but one could still hear a pin drop just before the soldiers were ordered to fire. In that village, there was a pharmacist whom everyone quite reasonably assumed was not Jewish. In

Halacha Highlight

Who is fit to produce *tefillin*?

Shulchan Aruch Siman 39 Seif 2

כל שפסול לכתוב פסול בכל תקון עשייתו

Anyone unfit to write *tefillin* is unfit for doing anything in the production of *tefillin*

Shulchan Aruch (סעי' ב') writes that those people who are not fit to write the *parshiyos* of *tefillin* may not be involved in the production of *tefillin*. For this reason those who are unfit to write *tefillin* may not make the *batim*, or even assure that the *batim* or different parts of the *batim* are square. They may also not sew the *batim* closed or make the "*shin*" in the outside of the *shel rosh*. Additionally, to repair a letter that was invalid and now will become valid is also not allowed by those who are unfit to write *tefillin* (מ"ב סק"י).

On the other hand, manufacturing the parchment that will be used for writing the *parshiyos* does not fall into the category of activities related to the production of *tefillin* and may be done by those who are unfit to write *tefillin*. The only condition is that production must be done for the sake of the *mitzvah*. Similarly, coloring the *batim* or the *retzuos* black may be done by someone who is unfit to write *tefillin* (מ"ב סק"י). Mishnah Berurah (שם) also allows one who is unfit to write *tefillin* to scrape off some ink that connects two letters as long as each letter retained its essential shape. The allowance for someone who is unfit to write *parshiyos* to scrape off ink connecting two letters is limited to *tefillin* since it is essential that the letters are written in order. In a *Sefer Torah* where there is no requirement that the letters are written in order the part of the letters that are connected should be scratched off and rewritten and that must be done by someone who fit to write. Poskim note that the requirement that the production of *tefillin* be done by someone who is fit to write *tefillin* does not preclude the use of a machine to help produce *tefillin*. The reason is that the machine requires someone to turn it on and that person must be someone who is fit to write *tefillin*.

the heavy silence, this pharmacist started to push his way forward and tried to join the three hundred condemned Jews. The villagers tried to hold him back, not realizing why he wanted to risk his own life. The pharmacist continued to struggle, and cried: "I am also a Jew! If it is the fate of all the Jews to die, I should not be spared!"

When the villagers saw that the pharmacist had managed to push himself through to join the Jews they began to fight the soldiers for the man's life. "Who will heal us and prepare our medicines? You must spare him!" The Bolsheviks decided to spare the man, and also gave up on executing the Jews of the village. The revelation of this man's eternal connection to the G-d of the Jewish people saved three hundred other lives.

כן שמעתי