סב. מה שאמרנו שיניח התפלין מהתחלת עיקרי השיער, היינו שצריכים להזהר שהקצה התחתון של התיתורא יהיה מונח על מקום התחלת עיקרי השער, מפני שגם התיתורא היא מכלל התפילין. ולכן מי שיש לו שערות ארוכות ושוכבות עד חצי המצח (הנקרא "פוני"), אין זה יועיל שיניח התפילין על השער, כי כאמור מקום התפילין צריך להיות מהתחלת צמיחת עיקרי השער, משם כלפי מעלה. (תמונה ס"ד). [באו"ח חיי שרה הי"א, עוי"ח וירא הי"כ, וכי"ה בכה"ח ס"ק ט"ל]. ויותר טוב להניח התפילין קצת למעלה משיעור זה, כדי שלא ישמט למטה על המצח (תמונה ס"ה). [משנ"ב ס"ק לג, ועי"ע ביאוה"ל ד"ה עד] **ורבים** נכשלים באיסור זה, וטועים לומר שהקצה העליון של התפילין מתחיל ממקום השיער, ובזה נמצא שעיקר התפילין שלהם מונח על המצח, ועוברים הם על איסור דאורייתא, כי כל שטח

Day 68

Not below the hairline

62) Since the position for the *tefillin shel rosh* begins at the front hairline, we must take care that the front edge of the *titura* is positioned behind the hairline. The entire *bayit*, including the *titura*, must be within the parameters described in the previous halakha. Even if someone has long forelocks that cover a portion of his forehead, he may not position any part of his tefillin on his forelocks lower than his hairline. (Illustration № 64) It is best to position the tefillin a bit higher than the hairline, so that even if it slips down it will still be in the proper position. (Illustration № 65) —

Unfortunately, many people are unaware of this halakha. They apparently have the impression that it is sufficient for the back end of the *bayit* to be behind the hairline even if the main section of the *bayit* is positioned below or in front of it. The Torah's rule,

their tefillin between their eyes. Rather, we must position the tefillin above the forehead where hair grows on the head. The words "between your eyes" mean only that the tefillin must be positioned exactly on the center of the head, above the point between the eyes and not to the right or left. The Talmud (*Menaḥot* 37b) derives this by comparing the words בֵּין עֵינֶיךָ appearing in this verse to the words בֵּין עֵינֵיכֶם appearing in the verse (*Devarim* 14:1), "לֹא תְשִׂימוּ קָרְחָה בֵּין עֵינֵיכֶם" – Do not make a bald spot between your eyes." Just as that verse refers to the part of the head where hair grows, this verse likewise refers to that part of the head.

Up to the "soft spot" in a newborn's skull

The Talmud interprets the words בֵּין עֵינֶיךָ to mean "on the skull." To be more specific, the Talmud explains that it means the place where a newborn's skull is soft. Rabbenu Asher explained that the Talmud does not mean that the tefillin must be placed high on the crown of the head. The tefillin can be placed on the front of the head just above the forehead, as explained in the previous paragraph. The tefillin may be positioned anywhere behind the hairline as long as it is in front of the soft spot of a newborn's skull. This concurs with the Talmud's statement in *Eruvin* (95b), "There is room on a person's head to place two *battim* of tefillin."

The *Bet Yosef* (*Siman* 27) added that the *Mordekhi* and *Sefer Hateruma* both concurred with Rabbenu Asher's interpretation. Rambam (*Hilkhot Tefillin* 4:1), however, ruled: "We position it on the skull, at the hairline above the person's face. This is the spot where a newborn's skull is soft." This seems to disagree with Rabbenu Asher's interpretation that the "soft spot" is the back limit of the area where the tefillin can be positioned. The *Bet Yosef* therefore suggested that according to Rambam, the way to wear two *battim* of tefillin together is side by side at the edge of the hairline, and not one behind the other.

The *Bet Yosef* then suggested that Rambam did not disagree with Rabbenu Asher at all. Rather, he interpreted the words "where a newborn's skull is soft" to mean anywhere along the metopic suture between the two frontal bones of the skull, which are not yet fused together at birth. The *Bet Yosef* preferred this interpretation, since in this way the *Rishonim* do not disagree with one another. Therefore, in the *Shulḥan Arukh* he wrote that the proper position for *tefillin shel rosh* is behind the front hairline and back to the soft spot of a newborn's skull.

התפילין צריך להיות מונח במקום צמיחת עיקרי השיער. [משנ"ב שם, ובביאוה"ל ר"ס כז, ובכה"ח ס"ק לח]. ואפילו אם רוב הבית של התפילין יהיה מונח על השיער, ומיעוטו על המצח, לא יצא ידי חובה (תמונה ס"ו). שגם התיתורא כולה צריכה להיות במקום שיער, ולא אמרינן בזה "רובו ככולו". [ראה בא"ח שם, יחו"ד ח"ה סי' ג, אול"צ ח"ב עמ' רפא]

ואמרו דורשי רשומות דרך רמז: אין מניחין תפילין אלא "בשבת". ופירש הגאון רבי עקיבא איגר, שהוא ראשי תיבות: "במקום שער במקום תפוח", התפילין של ראש במקום שער, והתפילין של יד במקום התפוח שבזרוע. [ילקו"י מהדו"ק עמ' כה]

however, is that the entire *bayit* must be positioned behindabove the hairline. Even if most of the *bayit* is positioned correctly, if any small portion of the *bayit* or the *titura* is positioned beyond the hairline, that person does not fulfill the mitzvah of wearing *tefillin shel rosh*. (Illustration № 66) The Talmudic principle of *rubo kekhulo* does not apply in this case.[183]

To remember the proper positions for one's tefillin, Harav Akiva Eiger taught that they must be placed *bemakom se'ar*, *bebasar tafuwah*, which means "where hair grows, on the bulge of the muscle" with the first phrase referring to *tefillin shel rosh* and the second phrase referring to *tefillin shel yad*. The initial letters of these words (*bet shin bet tav*) spell the word *beshabbat*, so that we can remember these rules by the improbable statement: "We can put on tefillin *beshabbat* only!"

183. Why not apply the principle of *rubo kekhulo*?

The halakhic principle of *rubo kekhulo* applies to many areas of halakha. For example, the mitzvah of kosher slaughter is to cut through the animal's trachea and esophagus. If the slaughterer cut through at least 51% of the trachea and esophagus, it is considered as if he cut all the way through them and the animal is kosher. Also, if the judges on a rabbinical court disagree on a ruling, the majority opinion is as binding as a unanimous decision. Indeed, there are some *Poskim* who ruled that the same applies to tefillin – as long as most of the *bayit* is in the correct position the person fulfills the mitzvah as if the *bayit* was entirely in the correct position. Most *Aharonim*, however, ruled otherwise, but they did not explain why. The *Shevile David* (27:4) stated specifically that the concept of *rubo kekhulo* does not apply to tefillin, but without offerning any explanation. The *Ben Ish Hai* (*parashat Haye Sara* halakha 1) related that he explained in his *Mikabtze'el* why the concept of *rubo kekhulo* does not apply to tefillin, but apparently that section of that volume has been lost. See also the *Or Letziyon* (Vol. II, page 281), responsa *Yabia Omer* (Vol. I, #2), and responsa *Yehave Da'at* (Vol. V, #3). For more on the subject of *rubo kekhulo*, see below in the footnotes to *Siman* 32:186 and 33:12.

The *Mishmeret Hayim* (Vol. I, page 19) asserted that the concept of *rubo kekhulo* can be applied when each part is significant in and of itself. For example, each judge's decision is considered a ruling. Therefore, when a majority of the judges concur, they overwhelm the minority and it is considered a unanimous ruling. Each millimeter of flesh cut with the slaughterer's knife is considered an act of "slaughtering," and therefore when he has cut through most of the trachea all his acts of slicing count together and it is as if he has cut all the way through it. Regarding the mitzvah of tefillin, however, the *bayit* is indivisible; part of a *bayit* is not tefillin at all. Therefore, even if most of the *bayit* is in the correct position, the tefillin are not in the correct position unless the entire *bayit* is within the prescribed space. If most of the *bayit* is in the correct position but some of it is not, it is the same as having the tefillin entirely in the incorrect position.

The *Piske Teshuvot* (27:18) asserted that there are some authorities who claim that there is a basis to justify the practice of allowing part of the *bayit* to sit on the forehead below the hairline, and in footnotes 164 and 165 he testified that this was the practice of a number of prominent Hassidic leaders. He concluded that it is best to follow the stringent opinion nonetheless. According to the discussion brought here, however, there is no room for leniency even if it would be proven that some famous tzaddik was not careful in positioning his tefillin.

סג. כל המניח תפילין על המצח (תמונה ס"ו), במקום שכלו צמיחת עיקרי השער, הרי זה מדרך הקראים ולא קיים המצוה, וגם נענש על כך. וכל בעל נפש יזהיר לחביריו וילמדם שלא יכשלו בזה כדי שלא יהיו ח"ו בכלל פושעי ישראל בגופן, שזהו "קרקפתא דלא מנח תפילין", וגם הברכה הינה לבטלה, שתפילין שמונחים שלא במקומן נחשבים כמונחים בכיסם. [משנ"ב שם, ובבא"ח שם], דמה לי אם מונח בקופסא או על האדם שלא במקום תפילין. [ס' שלחן שלמה סי' כז ס"ז]

ולכן הרואה שתפילין של חבירו אינם מונחים כולם על שערות הראש, חייב להוכיחו וללמדו מקום הנחתן. ולצערינו הן רבים עתה עמי הארץ שנכשלים בזה מחוסר ידיעה, ואינם מקפידים שיהיו כל התפילין מונחים על השיער, ויש להעיר למוסר אזנם, וללמדם ארחות יושר. וכן כתב בספר חסד לאלפים (סימן כז), כי הן בעון עינינו הרואות שרבים נכשלים ומניחים התפילין על מצחם, ואף על פי שלפעמים מוחים בידם, והוא מניחם למעלה על הראש, לא הועילו בזה, שהם חוזרים ונופלים, וראוי לעמוד בפרץ ולקצר הקשר של התפילין באופן שתמיד יהיו מונחים במקומם. [כה"ח ס"ק מ, וביחו"ד ח"ה סי' ג].

As above

63) Anyone who positions his *tefillin shel rosh* on his forehead below his hairline does not fulfill the mitzvah of tefillin. Furthermore, he will be punished for demonstrating that he has Karaite beliefs. (Illustration № 66) Anyone possessing a lofty soul who notices others wearing tefillin on their foreheads will make sure to explain to them the importance of positioning it correctly, and to make them understand that otherwise they will not fulfill the mitzvah.[184] Furthermore, if they recite a blessing when putting on the *tefillin shel rosh* and then position it on their foreheads, they are guilty of reciting the blessing in vain. If someone wears his *tefillin shel rosh* on his forehead, it is the same as leaving it in the *kuracha*.[185]

For all these reasons, the *Hesed La'alafim* insisted that it is imperative for us to teach people how to wear their tefillin correctly if we see them wearing the *tefillin shel rosh* on their foreheads. Unfortunately, many unlearned people do not realize how important this is, and they believe that it does not matter exactly where the tefillin are positioned. If we are aware of the halakha and see people who are not, it is our responsibility to teach them.

What's more, after correcting this mistake and pushing the tefillin up above the hairline, it is only a matter of time until it slips down again since the loop of the strap tied around their heads is probably too large. Therefore, when correcting these people, it is necessary to take the time to shorten the loop so that they will be able to fulfill the mitzvah properly from this moment on.[186] If the person pointing out the error does not

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184. The *Mishna Berura* (27:33) asserted that anyone who is not careful to position his tefillin correctly on his head is guilty of not fulfilling the mitzvah of *tefillin shel rosh* altogether. See below in the footnote to *Siman* 37:2.

185. If someone's tefillin slip out of place, he must restore it to the correct position immediately. It is not necessary to repeat the blessing, however. Above, in *Siman* 25:63, it is explained that this is based on the principle of *safek berakhot lehakel*. Of course, Sefardic Jews do not recite a separate blessing on the *tefillin shel rosh* anyway, unless they have no *tefillin shel yad* available. This was explained above in *Siman* 26:1).

186. For the readers' convenience, an illustrated guide for shortening the loop of the strap appears in *Kuntras Tif'eret Yisrael* (#134), published as an appendix to the *Yalkut Yosef Soferim English Edition*.

ואם הרואה אינו יודע לעשות קשר התפילין כדי לקצר לו הקשר ויהיו מונחים במקומם, לפחות יאמר לבעל התפילין שהוא ילך אצל האומן שיקטין עבורו הקשר. וגדול שכר המזכה. [כה"ח שם]

וחובת תוכחה זו מוטלת עוד יותר על האב"ד או רב הקהילה ושאר חכמי הקהילה, להשמיע האיסור הגדול הזה לרבים ולמחות בידם. [שלחן שלמה סי' כז ס"ז]

סד. מי שנשרו שערות ראשו ונעשה קרח, אף על פי שאין לו עתה שער בראשו יניח התפילין במקום שהיה בו מקודם שער (תמונה ס"ז). וזה ניכר בחוש הראות, שיש הפרש בין עור הקרחה לעור שאין צומח שם שער אצל כל אדם. [באה"ח שם, כה"ח סוף ס"ק לח]

ועדיף יותר להגביה התפילין למעלה, ממה שיהיו ספק, שמא אינם במקום שיער, שמקום יש בראש להניח שני תפילין. וספקא דאורייתא לחומרא. [יחו"ד ח"ה סי' ג]

סה. קרח שאין שערותיו צומחים מעל מצחו, יניח התפילין במקום שדרך השערות לצמוח אצל שאר בני אדם, שהרי מקום זה הוא מקום גובה שבראש. [אחרו' הובאו בהלכה ברורה עמ' קכה, ופסקי תשובות אות יח ובהערה קסז]

סו. מי שעל מצחו צומחים שערות, אין לו להתחשב בכך, שהרי אין זה "מקום גובה שבראש", ולא יניח שם התפילין, אלא יניחם במקום שדרך השערות לצמוח בראש כל אדם. [אחרו', הובאו בפסקי תשובות אות יח, ובהלכה ברורה שם]

know how to adjust the size of the loop, he must at least advise his fellow worshipper to seek someone who does and ask him to adjust it for him.

More than anyone else, it is the responsibility of the community's rabbi or other rabbinical figure to make this halakha known and to correct it wherever necessary.

Balding heads

64) If someone has grown bald or if his hairline has receded, this does not affect the correct position of his *tefillin shel rosh*. It still should be positioned behind his original hairline. (Illustration № 67) Even if someone is completely bald, there is a visible difference between the skin of his forehead and that of his hairless scalp. Whenever someone is in doubt where his hairline is exactly, he should position his tefillin a bit higher to make sure that it is positioned correctly. After all, this is a question of Torah law, and we must remove any doubts that we are fulfilling the mitzvah. Technically, there is room on a person's head for two [very small] *battim* of *tefillin shel rosh*.

Someone without hair on the head

65) Even if someone was born bald and he never grew hair on his head, he should still position his *tefillin shel rosh* on his head as if he had hair like everyone else. The proper position is determined by the head's structure, not by the existence of hair.

Hair on the forehead

66) If someone has hair growing on his forehead below the hairline of most people, he must ignore that hair when determining the proper position for his *tefillin shel rosh*. The proper position is definitely on top of his head and not on his forehead despite the hair growing there.