קכא. הרב "טורי זהב" המציא עצה לעשות את פרשת "והיה" סתומה לפי כל הדעות, שבסוף פרשת "שמע" יניח ריוח פחות מכדי ט' אותיות, וכן יניח ריוח פחות מט' אותיות בתחלת פרשת "והיה אם שמוע", ועל ידי זה שאין ט' אותיות במקום אחד כי אם על ידי צירוף, היא נקראת סתומה לכל הדעות. וכן נהגו כמה מהפוסקים האשכנזים. (תמונה כ"ה) [משנ"ב ס"ק קסד]

אולם לדעת מרן השלחן ערוך אם יעשה כן לא יחשב לפרשה סתומה לדעת "הרמב"ם", ולא יועיל צירוף ט' אותיות, ופסול אף בדיעבד. וגם כמה מפוסקים האשכנזים סברו שאין לעשות כן. [ראה קול יעקב ס"ק קסח, אול"צ ח"ב עמ' לה]

Day 28

The *Ture Zahav's* invention

121) The *Ture Zahav* suggested a formula for making the passage of *vehaya im shamowa* a *parasha setuma* according to both Rambam and Rabbenu Asher. His opinion is that the scribe should leave a blank space at the end of the passage of *Shema*, but the space should be shorter than nine letters. Then he should leave another blank space at the beginning of the first line of the passage of *vehaya im shamowa*, and again the space should be shorter than nine letters. Since each blank space is shorter than nine letters, neither one counts by itself to separate the passages but they combine to form a separation between the passages. This sort of separation, the *Ture Zahav* claimed, makes the fourth passage a *parasha setuma* according to both Rambam and Rabbenu Asher. A number of Ashkenazic *Poskim* concurred with this novel approach. (Illustration №25)

According to Maran in the *Shulhan Arukh*, however, Rambam would not consider this to be a *parasha setuma* or a *parasha petuha*, and the scroll would not be kosher. Several opinions, Maran ruled that we must follow Rambam's opinion, ending the passage of *Shema* at the end of the line and indenting the first line of the passage of *vehaya im shamowa* with a blank space at least nine letters long. See the *Mishna Berura* (32:164) and the *Halakha Berura* (page 400).

Leaving a blank space at the end of *Shema* and at the beginning of *vehaya im shamowa*

The *Shulhan Arukh* gives instructions not to leave any blank space at the end of the passage of *Shema*, or at least not to leave a space as long as nine letters. The *Mishna Berura* (*Bi'ur Halakha* 32:36) explained that although the *Shulhan Arukh* preferred that the scribe not leave a blank space nine letters long at the end of *Shema*, the scroll would be kosher even if he did. Although such a blank space is normally the preparation for making the following passage a *parasha petuha*, in this case the next passage will be *parasha setuma* since the scribe leaves an indentation of nine letters at the beginning of the first line. As explained above, Rambam's general rule is that as long as the scribe does not begin the passage at the beginning of the line, it is *parasha setuma*.

The custom of Habad Hassidim, based on the ruling of Harav Zalman (responsum #1 at the end of his *Shulhan Arukh*), is to purposely leave a blank space at least nine letters long at the end of the passage of *Shema* and to indent the first line of the passage of *vehaya im shamowa* as well with a blank space at least nine letters long. Harav Zalman ruled that Rambam concurred with this practice.

The responsa *Igrot Moshe* (Vol. I, #12; *Y.D.* Vol. I, #169) disagreed with this practice, demonstrating that Harav Yitzhak Abohab, cited in the *Bet Yosef*, specifically instructed the scribes not to leave a blank space nine letters long at the end of the *Shema*. If the scribe does leave blank spaces both at the end of *Shema* and at the beginning of *vehaya im shamowa*, it is a "hybrid" – not really *setuma* and not really *petuha*. The *Hazon Ish* (*O.H.* 10:2) discussed this and did not arrive at a definite conclusion.

Sefardic Jews should follow the instructions of Maran in the *Shulhan Arukh*, but the *Or Letziyon* (Vol. II, page 35) ruled that Sefardic Jews may use tefillin made according to the practice of Habad Hassidim.

לפיכך הואיל והוברר לנו שרוב בני אשכנז עושים כיום כשיטת הט״ז, צריך לפרסם שתפילין של אשכנזים פסולים לספרדים, אלא אם כן נתברר שהפרשיות נכתבו על פי דעת מרן ז״ל, ושלא כסברת הטורי זהב וסיעתו.

ויש גם ספרדים שאינם בקיאים בהלכה שנמשכים אף הם אחרי שיטת הט״ז. ויש להזהירם שיהיו זהירים מאוד במלאכת שמים, לנהוג כדעת מרן בענין פרשת ״והיה אם שמוע״, להניח שיעור ט׳ אותיות בתחלת השיטה העליונה, ולא ימשכו בעינים עצומות אחר אלה שנהגו כדעת הטורי זהב. ולשומעים ינעם ועליהם תבוא ברכת טוב. [יבי״א ח״ט סי׳ קג אות ד, סי׳ קח אות כד, יחו״ד ח״ד סי׳ ג]

ומכל מקום אשכנזים הנוהגים על פי דעת הט״ז לעשות פרשת ״והיה״ סתומה על ידי צירוף ט׳ אותיות, יש להם על מה שיסמוכו. [ראה הלכה ברורה עמ׳ ת. וראה פסקי תשובות אות נו]

Ashkenazic *Poskim* concurred with this position, rejecting the innovation of the *Ture Zahav*.

Nowadays, many Ashkenazic communities prefer to use tefillin scrolls written according to the *Ture Zahav's* formula. These scrolls are not kosher for Sefardic Jews, since we follow the rulings of Maran. Therefore, it is important to publicize among Sefardic Jews that they should not use Ashkenazic tefillin unless they verify that the scrolls were written according to Maran's formula.

Maran the Rishon Letziyon found that some Sefardic scribes had adopted the *Ture Zahav's* formula, due to their lack of understanding in halakhic principles. He therefore campaigned to educate the scribes to make sure to follow the rulings of Maran regarding the writing of the passage of *vehaya im shamowa*, and to leave a blank space at least nine letters long in the beginning of the top line of the passage. He agreed that Ashkenazic Jews who wish to follow the *Ture Zahav's* formula may rely on the *Poskim* who ruled in favor of it.[102]

102. A full nine-letter blank space at the end of *Shema*, and a smaller space in the beginning of *vehaya im shamowa*

All the *Poskim* agree that this would be considered *parasha setuma* according to Rambam. Even though the blank space at the beginning of the passage of *vehaya im shamowa* is less than nine letters long, the passage does not begin at the beginning of the line, and therefore Rambam ruled that it is *parasha setuma*.

Begin the first three passages at the beginning of the line

Based on the above comment, the *Peri Megadim* , cited by the *Mishna Berura* (32:162), the scribe must take care to begin the passages of *kadesh*, *vehaya ki yevi'akha*, and *Shema* at the very beginning of the line, and not to indent them with even a space one letter wide. If there is any indentation, it might be considered *parasha setuma* and the scroll will not be kosher. The *Ma'amar Mordekhai* agreed that the scribe must take care not to indent the first line at all, but he ruled that if a scribe indented with a space less than nine letters long, the scroll is still kosher.

קכב. לאור האמור, ספרדי שנזדמנו לו תפילין של אשכנזי, ואין לו אלא אלו, יניחם בלא ברכה, אלא אם כן התברר שהם נכתבו שלא כדעת הט"ז. אולם אשכנזי שנזדמנו לו תפלין שנכתבו כמנהג הספרדים, רשאי אף לברך עליהם, כיון שהם כשרים אף לסוברים כהרמ"א. [אור לציון ח"ב עמ' לה]

קכג. שיעור ט' אותיות שכתבנו, היינו תשע אותיות גדולות כגון שלש פעמים "אשר". וטוב שיניח גם כן ריוח מלא ב' אותיות קטנות (ב' יודי"ן) מלבד התשע אותיות, שהרי בין תיבה לתיבה צריך להניח מלא אות קטנה. (תמונה כ"ו) [ראה משנ"ב ס"ק קסג, יריעות שלמה ח"א פט"ו ס"ב הערה ג, הלכה ברורה עמ' תא]. ובדיעבד יש להקל כשמניח רק כמלא ט' אותיות קטנות (דהיינו ט' יודי"ן). [משנ"ב שם]. אבל בפחות מט' אותיות אין זה נחשב לפרשה והפרשיות פסולות. [הלכה ברורה שם]

ומשערין הריוח של הט' אותיות, כפי גודל האותיות של אותו הכתב. [משנ"ב והל"ב שם]

קכד. דין זה ששלשת הפרשיות הראשונות יהיו "פתוחות", ופרשה רביעית "סתומה", נוהג לא רק בתפילין של יד הנכתבות על קלף אחד, אלא אף בתפילין של ראש הנכתבות כל פרשה בקלף אחד לבדה. [ראה קול יעקב ס"ק קעא]

Sefardic Jews using Ashkenazic tefillin

122) If a Sefardic Jew has no tefillin available to use other than those of an Ashkenazic Jew, he should put them on but without reciting the blessing unless he verifies that the scrolls were not written according to the *Ture Zahav's* formula. If an Ashkenazic Jew has no tefillin available other those of a Sefardic Jew, he may use them and recite the blessing. All the *Poskim* agreed that tefillin scrolls written according to the *Shulhan Arukh's* formula are kosher. Sefardic Jews may use tefillin written in the tradition of Lubavitch Hassidim and even recite the blessing on them.

Day 29

Definition of "nine letters"

123) When referring to a blank space that is *nine letters* long, this means that the scribe should leave a blank space long enough to write the words אשר אשר אשר. It is best that he leave enough space as if he had written those words, including the two spaces (as wide as the letter *yod*) between each word. (Illustration № 26) If a scribe leaves a blank space only long enough to write the letter *yod* nine times, the scroll is still considered kosher. If the space he left is shorter than this, it is as if he left no space at all and the scroll is not kosher.[103] The term "nine letters long" refers to letters matching the size of the letters written in each particular scroll.

Regarding *tefillin shel rosh*

124) Although the passages for *tefillin shel rosh* are written on four separate pieces of parchment, the scribe must still write the first three passages in the form of *parasha petuha* and the fourth passage in the form of *parasha setuma*. These rules apply to the scrolls of *tefillin shel yad* and those of *tefillin shel rosh*.[104]

---

103. The *Piske Teshuvot* (32:57) explained that if a scribe leaves a blank space at the end of the passage of *Shema*, that space must be shorter than nine letters *yod*. The blank space that he should leave at the beginning of the passage of *vehaya im shamowa*, however, is a space long enough to write the words אשר אשר אשר with a space between each word.

104. The *Mishna Berura* (32:155) cited the *Magen Avraham* ruling that if the scribe did not form the passages of the *tefillin shel rosh* correctly regarding *parasha petuha* and