ניתקן הריבוע כדינו, התפילין פסולים. [קול יעקב ס״ק קפ]. ואם נתקלקל הריבוע בכל שהוא באופן שאינו ניכר למראית העין, יש להקל. וכמבואר בהלכה הקודמת.

ולכן התפלין המובאים מערי בבל, שהבתים שלהם נראים לעין שאינם מרובעים, מבלי להזדקק לכלי מדידה, אין לברך עליהן, דהוי ברכה לבטלה, כיון שדעת רוב הפוסקים שגם הבתים של התפלין הלכה למשה מסיני היא שצריך שיהיו מרובעים. [יבי״א ח״ט סי׳ ו אות ח]

קלז. חודי זויות התפילין שנשחקו ונשתפשפו מעט (מחמת השפשוף בשרוול הבגד וכיו״ב), וניכר עדיין הריבוע (תמונה נ״ג), כשרים הבתים. ומכל מקום לכתחלה יש לרבעם כראוי.

אולם אם הריבוע שלהם נשתפשף מאוד ונעשה כעיגול באופן שאין ריבועו ניכר (תמונה נ״ד), אסור לברך עליהם. [ראה עוי״ח חיי שרה ה״ח, יבי״א ח״ט סי׳ ו אות ז, אוליצ חי״א סוי״ס ד, ובחי״ב עמ׳ רפד, ילקוי״י עמ׳ תקסב, הלכה ברורה עמ׳ תכב]

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battim are not kosher. If the discrepancy is not visible to the casual observer, the *battim* are kosher, as explained in the previous halakha.

Many of the tefillin imported from Iraq [when there was a thriving Jewish community in many of its cities] are not square, and this is immediately noticeable to a casual observer. Since most *Poskim* ruled that the *halakha leMoshe miSinai* demands that the *ketzitza* be square, these tefillin cannot be considered kosher and no one may recite a blessing on them.

If the corners become rounded with age

137) If the corners of the *battim* become somewhat worn down, which may occur due to daily wear, the *battim* are still kosher as long as they appear to be square. (Illustration № 53) Even so, it is best to have sharp corners of the corners restored. If a corner becomes so worn that the *bayit* no longer appears to be square, (Illustration № 54) it is forbidden to recite a blessing on it.[116]

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threads become unraveled later on so that the tzitzit are no longer attached in the proper position, the tallit is still kosher. [See the *Yalkut Yosef Tzitzit English Edition*, *Siman* 11:36.] This is because our Sages derived from the verse that it remains kosher since it was positioned properly when the tzitzit strands were tied to it. The halakha demanding that tefillin be square, in contrast, applies at all times. See the *Mishna Berura* (32:181) and *Kol Yaakov* (32:178).

Relying on previous measuring

The *Mishna Berura* (32:181) and *Kol Yaakov* (32:181) ruled that it is not necessary to measure one's tefillin every day to ascertain that they are square. Once they have been measured, we may assume that they have not changed unless we see that something has happened to them.

116. The *Mishna Berura* (*Bi'ur Halakha* 32:39) ruled that even if the *bayit* is nicked and one can feel the damage when running a fingernail across it, the *bayit* is kosher. It is still considered square. The *Arukh Hashulhan* (32:77) added that if the edges of the *bayit* are no longer as sharp as they had once been, this does not detract from its status as square. All tefillin *battim* lose their sharp edges with time, he contended, and the Torah does not expect us to be superhuman. Some *battim* manufacturers are very skilled and can produce *battim* that will last for decades, but most manufacturers do not know how to make them to last very long. It is unreasonable to think that the Creator would make such demands on His people.

The *Od Yosef Hai* (*parashat Haye Sara* halakha 8) admitted that some *Poskim* ruled leniently regarding *battim* whose corners have become rounded. Nevertheless, he ruled that anyone who possesses genuine fear for Heaven will make sure to repair them whenever this happens. See more about this in responsa *Yabia Omer* (Vol. IX, #6:7) and the *Or Letziyon* (Vol. I, #4; Vol. II, page 284).

קלח. בתים של תפילין של ראש, שלאחר זמן נתרחב מעט הריוח שבין ארבעת הבתים, ויש מעט אויר ביניהם, אם אין הריוח שבין הבתים ניכר כל כך, ואין נראה לעין שאינם מרובעים, כשרים **הבתים.** [הלכה ברורה עמ' תכד, וראה ביבי"א ח"ט סי' ו אות ה-ו]

קלט. יש שמדביקים ארבעת הבתים של תפילין של ראש שלא יפתחו ויפרדו זה מזה. (כי מבלי הדבק כשיפרדו הבתים ויהיה אויר בין כל אחד ואחד אפילו כמלא מחט סידקית, איננו מרובע. כמ"ש בקסת הסופר בשם החת"ס). ולכן עדיף טפי להדביקם מעט בדבק וישתדלו שיהיה הדיבוק כמה שאפשר למטה סמוך לתיתורא, ולא לכל רוחבם (תמונה נ"ה).

If the compartments become separated

138) If the four compartments of the *tefillin shel rosh* begin to spread apart with time, they are still kosher as long as the space between the compartments is not immediately noticeable and the *ketzitza* still appears to be square.[117]

Gluing together the compartments

139) Some *battim* manufacturers glue together the four compartments of the *tefillin shel rosh* so that they stand in place and do not spread apart. This is because, according to the *Hatam Sofer*, cited by the *Keset Hasofer*, once the compartments begin to separate, the *bayit* cannot be considered square. Therefore, he recommended that the compartments be glued together, and he advised the manufacturers to apply only a bit of glue, and to apply it only to the bottom of the compartments near the *titura*. (Illustration № 55)

117. The responsa *Bet Yehuda* Ayash (Vol. II, #87) discussed the halakha of a *bayit* of *tefillin shel rosh* that appeared to be square, but upon closer examination it became clear that the four compartments had become separated slightly. When someone pressed them together, the *ketzitza* became a perfect square, but when he let go the compartments moved apart again.

The author ruled that in this case the *bayit* is kosher and does not need repair. He claimed that this is not included in the *Shulhan Arukh's* ruling that when the measurements become uneven the *bayit* must be repaired. The *Shulhan Arukh* refers to a case when the *bayit* was damaged and therefore is no longer square. In this case, the *bayit* is entirely intact. It simply needs to be pushed together, and therefore it is kosher even while it is not pushed together. This ruling is cited by Harav HIDA (*Birke Yosef* 32:12), the *Od Yosef Hai* (*parashat Haye Sara* halakha 9), and the *Kol Yaakov* (32:178).

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #6:6), however, cited several *Aharonim* (*Zera Yaakov*, *Bet Oved*, *Ot Hayim*) who disagreed with the *Bet Yehuda*. They ruled that the *bayit* must be square while the person wears it. If it is not square at that time, the fact that the compartments can be squeezed together does not make a difference. Nevertheless, since the *Bet Yehuda* described a case where the *bayit* appeared to be square even without pressing on its sides, all *Poskim* would agree that it is kosher. If it appears to no longer be square, however, we must consider it not kosher even though the compartments could be pressed together. This is the ruling of the *Korban Ishe*, cited in *Yabia Omer*.

The responsa *Teshuvot Vehanhagot* (Vol. II, #17) found support for the position of the *Bet Yehuda* in the Tosafot to *Menahot* (35a), where it states: "perhaps we need to measure the square while the four compartments are pressed together." The inference is that the measurement of the width of the *bayit* of the *tefillin shel rosh* includes the four compartments themselves but not any air space between them. This is likewise the opinion of Harav Yitzhak Ze'ev Soloveichik (of Brisk), who brought proof to his ruling from the Talmud.

Furthermore, Harav Soloveitchik ruled that it is important to make sure that the four compartments are completely separate from one another, so that it is possible to push a thread down between the compartments all the way to the bottom. Then, one can fulfill the mitzvah of tefillin properly.

Harav Yosef Cohen, the famed Yerushalayim expert in every aspect of the mitzvot of *Sta"m*, likewise maintained that this Tosafot is a definite proof to the position of the *Bet*

ובזמנינו יש בעלי מלאכה שאומרים שבעזרת מכונות הלחץ ההידרואלי, יכולים ליישר הבתים היטב אחד נגד השני, ובעזרת הלחץ להצמיד ארבעת הבתים היטב זה לזה בלי הפסק אויר, ובלא להצטרך להשתמש בדבק כלל, ובודאי שזה עדיף יותר (תמונה נ"ו). (אך אינו ברור שבמציאות יכולים לעשות כן). [ראה משנ"ב ס"ק קעב, הלכה ברורה עמ' תכה, פסקי תשובות אות סא]

Thanks to modern technology and the hydraulic press, some contemporary *battim* manufacturers claim to be able to produce *battim* for *tefillin shel rosh* that will stand in place without any glue at all. Assuming that this is true, it is certainly best to use such *battim*. (Illustration № 56) Some people who are experienced in this field, however, claim that it is impossible to make the *battim* without applying glue.[118]

Yehuda. As explained above, Harav HIDA (*Birke Yosef*), the *Ben Ish Hai*, and the *Kol Yaakov* ruled according to the *Bet Yehuda*. Harav Cohen testified that the tefillin in a number of communities worldwide were made purposely with the four compartments separate from one another. According to his instructions, even if the technician glues the four compartments together while fashioning the *bayit*, he must later cut through that glue with a razor blade so that the compartments are separate. This subject needs more research.

118. Gluing the compartments together

Above in halakha 131, it was explained that the *Poskim* debated whether it is permissible to make tefillin *battim* from a number of pieces of leather that are sewn or glued together. Some maintained that once they are attached they are considered to be a single piece of leather, and the common custom has traditionally been to follow this opinion. Nowadays, however, it is more common to use tefillin *battim* that are actually a single piece of leather.

Since the *bayit* of *tefillin shel rosh* has four individual compartments and we wish them to stand in place so that the *ketzitza* will be a perfect square, the manufacturers glue the four compartments together. The *Haye Adam*, cited by the *Mishna Berura* (32:172), complained that this practice is incorrect. If we follow the opinion that gluing pieces of leather makes them into a single piece, then gluing the compartments together converts the four compartments into a single compartment. If we would say that it does not convert the four into a single compartment, then we would have to say that the pieces of leather used to made the *bayit* have not been converted into a single piece of leather either. The *Mishna Berura* added that even if we make sure to use *battim* that are actually made of a single piece of leather we still must not glue the four compartments together, since some *Poskim* ruled that they then become a single compartment.

According to the testimony of the *Ma'ase Rav* (#19), the four compartments in the tefillin of Harav Eliyahu of Vilna were visibly separate from one another. The *Sha'ar Rahamim* (#6) relates that whenever the author of *Sha'agat Arye* would meet someone whose *tefillin shel rosh* was obviously glued together, he would mock him, saying, "Why are you wearing *tefillin shel yad* on your head."

The truth is, however, that if no glue is used, the four compartments will likely come apart. Therefore, the *Mishna Berura* concluded (*Bi'ur Halakha* 32:40) that a spot of glue may be applied between the compartments, as long as it is only near the bottom and only in the center, away from the edges.

The *Halakha Berura* (page 425) and the *Piske Teshuvot* (32:61) listed several *Aharonim* who ruled that it is permissible to glue together the entire area between each compartment, as long as the grooves between the four compartments are clearly visible on the outside. Harav Shelomo Zalman Auerbach (*Halikhot Shelomo Tefilla* page 52) ruled that it is permissible to apply glue between each compartment, up to a third of their height. Several contemporary *battim* factories follow this ruling. (Illustration № 57)

In *Halikhot Shelomo Tefilla* (page 309, #2), Rav Auerbach reasoned that it is possible to view the concept of gluing together pieces of leather as an aid but never a hindrance. That is, when gluing together several pieces of leather, they are now considered a single piece of leather with which a kosher *bayit* can be constructed. When gluing together the four compartments, however, we are not forced to view it as if the four compartments have become one. See the responsa *Eretz Tzevi* Frommer (Vol. I, #10 and #11).

Some *battim* manufacturers place a thread between the compartments as proof that they are separate and individual. Harav Auerbach ruled that the thread still serves this purpose even if glue is applied over those threads.

Contemporary *battim* manufacture

Nowadays, special hydraulic presses and drills are used to form *battim* and to give them their final appearance. The *Halakha Berura* and *Piske Teshuvot* claimed that methods

קמ. ריבוע הבתים יהיה מגוף הבתים עצמן, ולא על ידי דבר אחר שמטיח עליהם. [משנ"ב ס"ק קעח]. וכן תפילין שעיקר ריבוע זוית הבתים נעשה מאיזה טיח ודבק, באופן שאם היו מסירים טיח זה, היה מתבטל ריבוע התפילין, והיו התפילין נפסלות מן התורה, פסולות תפילין אלו מעיקר הדין. והעושים תפילין כאלו הם מהמחטיאים את הרבים. [שבט הלוי ח"ג סוף סימן ב]

Forming the square shape

140) The leather of the *battim* must be shaped into a perfect square. The *battim* cannot be made to appear square by adding paste or any other material to them.[119] If the *battim* themselves are not actually square, but they appear to be square because of added paste, they are not kosher at all. Whoever manufactures tefillin in this manner is guilty of the terrible crime of causing others to sin.

have been developed that enable the production of *battim* for *tefillin shel rosh* without using any glue, and yet they will maintain their shape for many years despite the fact that the four compartments are not at all connected above the *titura*. (Illustration №56) The responsa *Teshuvot Vehanhagot* (Vol. I, #40), however, complained that if the four compartments are pressed together so tightly that they will not come apart, it is the same as being glued together and the *battim* would not be kosher. Therefore, he ruled that it must be possible to push a thread between the compartments and down to the *titura* without first separating them with a knife.

Harav Yosef Cohen claimed that any *battim* manufacturer who claims that he can produce *battim* for *tefillin shel rosh* without using glue is a liar. Furthermore, no one can claim that he applies glue only at the bottom in order to follow the ruling of Rav Auerbach. Even if he applies a tiny drop of glue, it spreads across the entire expanse due to the enormous pressure of the hydraulic machinery. In order for the *bayit* to be kosher, it is necessary to cut through the glue between the compartments after the *ketzitza* has been brought to its final shape, leaving intact only the glue near the bottom. (Illustration №55) This concurs with the instructions given in the responsa *Teshuvot Vehanhagot* cited above.

What kind of glue?

Tefillin *battim* must be made of kosher materials. Therefore, if glue is used in their basic construction, it must be kosher as well. Traditionally, *battim* manufacturers would take ground up leather shavings of kosher animal leather (the "sawdust" left from cutting *battim* into shape and sanding them) and boil it into a thick paste. The responsa *Da'at Torah*, cited by the *Piske Teshuvot* (*Siman* 32, footnote 426), expressed his reservations about using this type of glue since it literally becomes part of the leather and would really convert the four compartments into one. Therefore, he recommended using glue made from vegetable sources or to use synthetic glue. (Illustration №59)

119. This halakha is based on the ruling of responsa *Noda Bihuda* (#1), cited in the *Mishna Berura* (32:178).

Paste made of ground leather

The responsa *Minhat Yitzhak* (Vol. VI, #1; Vol. VII, #1) ruled that if a *battim* manufacturer shapes a *bayit* but it is left with nicks or holes, it is permissible to fill them with paste made of boiled leather shavings. This paste was described in the previous footnote. He permitted this only for finishing the final shape of the *titura*, (Illustration №60) however, and not for finishing the *ketzitza*.

The responsa *Shevet Halevi* (Vol. III, #2), however, ruled against the use of this paste, explaining that once leather has been ground into tiny shavings and cooked into a paste it is no longer considered leather at all. Therefore, he ruled that this paste cannot be used as a filler to repair a *bayit* that would not be kosher otherwise. It may be used only in places where any material at all may be used.

Several decades ago, it was suddenly discovered that the world's major producer of tefillin *battim* was regularly using this paste to fill in the nicks and crannies of the *titura* to make them perfectly square. The *Shevet Halevi* ruled that the *battim* were still kosher. He explained that the *Noda Bihuda*, who ruled that paste cannot be used to make the *battim* square, was dealing with *battim* that were not at all square, but that the manufacturer used the paste to make them appear square. In the case at hand, however, the dimensions of the *titura* are already square. The paste is used only to fill in the nicks and crannies caused by imperfections in the leather. Furthermore, the *Noda Bihuda* was referring to a paste that did not fuse into the leather. It simply covered the *battim*, and it could easily be peeled or chipped away. In the case at hand, the paste that is used becomes fused integrally with the leather to which it is applied. This can be compared to the halakha regarding filling a hole in the side of a shofar, discussed in *Shabbat* (102b) and in the *Shulhan Arukh* (*Siman* 586).