קמז. יש להקפיד שריבוע התפירות יהא כנגד ריבוע הבית והתיתורא במרחק שוה מכל הצדדים, כך שיהיה הריבוע מקביל לריבוע הבית והתיתורא (תמונה ס"ט). [שם]

דיני שחרות הבתים

קמז. עור הבתים מצוה לעשותו שחור (תמונה ע'). [ש"ע סי' לב ס"ק]. כלומר: שהלכה למשה מסיני, שיהיו הרצועות של התפילין שחורות, אבל הבתים טוב שיהיו שחורות למצוה בעלמא, ולא לעיכובא.

Three concentric squares

146) The three squares formed by the *ketzitza*, the stitches, and the *titura* must be concentric. That is, the squares formed by the stitches and the *ketzitza* must be perfectly centered within the square of the *titura*. (Illustration № 69)

Day 37

Black *Battim*

Painting *battim* black

147) According to *halakha leMoshe miSinai*, the tefillin straps must be painted black. (Illustration № 70) It is highly recommended that the *battim* also be painted black, but even if they are not painted black the tefillin are kosher.[124]

Visible stitches

The responsa *Shevet Hakehati* (Vol. II, #33) ruled that if the thread of the stitches runs through a deep groove, care must be taken not to cover it with the paint used to blacken the *bayit*. It is alright to blacken the thread, but if a thick layer of the paint covers the thread it will be buried in the paint and there will be no square on top of the *titura*. The *Piske Teshuvot* (*Siman* 32, footnote 449) cited the *Tif'eret Arye* (a disciple of the *Hatam Sofer*) who expressed anger at those who sew the tefillin in deep grooves and then cover the entire *titura* with a thick layer of black paint, making the thread invisible. If the thread becomes worn and tears, no one will notice the problem since it is covered up.

The *Piske Teshuvot* added that there must be holes for the stitches in each corner. If the hole is not exactly in the corner, it cannot be compensated for by cutting grooves in the *titura* and pulling the thread around the corner where the grooves meet. Tefillin made in this way are not kosher.

124. Must the *battim* be painted black?

Rambam ruled (*Hilkhot Tefillin* 3:14) that the tefillin straps, both for *tefillin shel yad* and for *tefillin shel rosh*, must be painted black. This, he asserted, is *halakha leMoshe miSinai*, as the Talmud teaches in *Menahot* (35a). He then added that for the sake of beautifying the mitzvah, all the parts of the tefillin should be painted black. This means that the *halakha leMoshe miSinai* applies only to the straps, not to the *battim*.

Based on this, the *Shulhan Arukh* states (32:40): "It is a mitzvah to paint the *battim* black," meaning that this is not a requirement, and certainly not based on *halakha leMoshe miSinai*, and this appears to be the opinion of the Rama (gloss to 33:4) as well. Regarding the halakha requiring the *battim* to be square (32:39), and the halakha requiring the letter *shin* to be formed on the sides of the *tefillin shel rosh* (32:42), the *Shulhan Arukh* specified that they are *halakha leMoshe miSinai*.

The *Mordekhi*, however, ruled that the *halakha leMoshe miSinai* requires the *battim* to be painted black, and ruled that the tefillin are not kosher unless they are painted black. A number of *Rishonim* concurred with this, and this is the ruling of the *Bayit Hadash*. The *Mishna Berura* (32:184) added that this is the ruling of Harav Eliyahu of Vilna, the *Yeshu'ot Yaakov*, and the *Eliya Rabba*. The *Sheyare Kenesset Hagedola* (cited in the *Kol Yaakov* 32:183) ruled to follow the stringent opinion, but added that in a situation where it is not feasible one may rely on the lenient opinion.

The *Od Yosef Hai* (*parashat Haye Sara* halakha 10) ruled that according to *halakha leMoshe miSinai* both the *battim* and straps must be painted black. Maran the Rishon Letziyon (*Halikhot Olam* Vol. VIII, page 322) pointed out that this is a mistake, since Rambam ruled that the *halakha leMoshe miSinai* does not require the *battim* to be painted black.

The practical differences

If the *halakha leMoshe miSinai* requires the *battim* to be painted black, then it is necessary to pay attention to the tefillin as time wears on. Eventually, the paint will chip or

[הליכו"ע ח"ח עמ' שכב, וביבי"א ח"ז סי' ז אות ח]. ומכל מקום מנהג ישראל בכל המקומות, לצבוע הבתים בשחור. ואף התיתורא והמעברתא צובעים אותן בצבע שחור. [הלכה ברורה עמ' תכז ועמ' תכט]

קמח. טוב שישראל ישחיר את בתי התפילין לשמה "לשם קדושת תפילין". אך אינו אלא חומרא בעלמא, שאף אם לא אמר כן כשרים התפילין מעיקר הדין. וכן אם השחירם גוי כשרים. [ראה הלכה ברורה עמ' תכט]

קמט. אם צבען שחור ואחר כך נתלבנו, מעיקר הדין אין צריך לחזור ולצבוע הבתים (תמונה ע"א). ומכל מקום טוב להחמיר שיחזור ויצבען בשחור. [הלכה ברורה עמ' תכט. ראה בא"ח חיי שרה ה"ד, קול יעקב ס"ק קפד]

Nowadays, the universal custom is to paint the *battim* black, including the *titura* and *ma'abarta*.

Painting with proper intentions

148) It is best that the *battim* be painted by a Jew for the sake of the sanctity of tefillin, but this is not a halakhic requirement. Therefore, if he did not declare that he is painting them for the sake of the mitzvah of tefillin, they are still kosher. In fact, even if a non-Jew paints them black they are kosher.[125]

Refreshing faded paint

149) If the *battim* had been painted black, but later on the paint peeled off, it is recommended to repaint them, but technically one is not required to repaint them. (Illustration №71)[126]

peel off, especially along the edges of the *ketzitza*, and then it will not be kosher unless it is repainted. According to the *Shulhan Arukh*, however, the *bayit* is still kosher even before it is repainted.

According to the *Shulhan Arukh*, it is not necessary to have intentions for the sake of the sanctity of tefillin when painting the *battim*, and a non-Jew may be hired to paint them. If it is *halakha leMoshe miSinai*, they must be painted by a Jew with intentions for the sake of the sanctity of tefillin. Actually, according to Maran the straps do not have to be painted with intentions for the sake of the sanctity of tefillin even though the *halakha leMoshe miSinai* requires them to be painted black. According to Rama, however, the straps must be painted with intentions for the sake of the sanctity of tefillin. This will be explained below in *Siman* 33.

The *Ben Ish Hai* (*parashat Haye Sara* halakha 4) ruled that since *halakha leMoshe miSinai* requires the *battim* to be painted black, if they lose their color at any time they must be repainted. If a non-Jew paints them, he ruled that they are not kosher. These rulings run counter to the *Shulhan Arukh*, as explained above.

125. As explained in the previous halakha, according to the *Shulhan Arukh* there is no halakhic requirement to paint the *battim* black, but it is a commendable practice. Rama likewise (gloss to 33:4) ruled that if a non-Jew painted the *battim* they are kosher. Even though the *halakha leMoshe miSinai* requires the straps to be painted black, Maran (33:4) ruled that it is not an absolute requirement that a Jew paint them, but he recommended that only a Jew paint them for the sake of the sanctity of tefillin. If so, there is no question that Maran would rule leniently regarding who may paint the *battim*. The *Halakha Berura* (page 429) added that there is a *safek sefeka* for leniency.

The *Ben Ish Hai* (*parashat Haye Sara* halakha 4), however, ruled that if a non-Jew painted the *battim* they are not kosher. He followed the ruling of the *Bayit Hadash*, as cited by the *Peri Megadim*. The *Mishna Berura* (*Bi'ur Halakha* 33:4) countered that if a non-Jew painted the *battim*, they can be made kosher by having a Jew add another layer of paint for the sake of the sanctity of tefillin. We, who follow the rulings of Maran, may certainly rely on this.

126. White spots

The *Eshel Avraham* of Butchatch ruled that if the black paint peels off a small spot on the *bayit*, it is still kosher since most of the surface is black. (Illustration №71a) Harav Shim'on Greenwald (responsa Maharsha"g Vol. I, #7) and the *Or Letziyon* (Vol. II, page 284) concurred with this. The *Piske Teshuvot* (32:65) added that if the *bayit* appears to be

קנ. הצבע, יהיה עשוי מחומרים שהם בגדר 'המותר בפיך', שלא יהיה בו תערובות של דבר טמא. אולם מעיקר הדין אם השחיר הבתים בצבע העשוי משומן בהמה טמאה וכיו"ב, כשרים הבתים. [הלכה ברורה עמ' תל, פסקי תשובות סוף אות סה]

ולכתחילה המובחר שיהיה הצבע, דליל באופן שאין לו ממשות, רק "חזותא בעלמא" (תמונה ע"ב). וכן המקילים להשתמש בצבע עב קצת שיש בו ממשות, אך אינו נקלף בשלימות מעל הבתים, אלא כעין פירורים, יש להם על מה שיסמוכו.

וצבע עב שאפשר לקלפו בשלמותו מעל עור הבתים, אף שמעיקר הדין היה מקום להקל אף בזה, מכל מקום יש להחמיר שלא להשתמש בצבע זה. וטוב להזהר בזה עד כמה שאפשר להשתמש בצבע דליל שאין לו ממשות. וכן המנהג כיום. [ראה משנ"ב ס"ק קפה ועוד. ובגליון כת"י יבי"א ח"א סי' ב הערה ד]

Kosher paint

150) The black paint used to color the *battim* must not include ingredients that come from nonkosher sources. If someone painted them with a paint that includes lard or oil from nonkosher animals, however, they are still kosher.

Thin consistency of paint

Furthermore, the paint must be thin, so that it colors the *battim* without adding substantially to their size. (Illustration №72) Nowadays, many *battim* manufacturers use paint that is somewhat pasty, but since it cannot be peeled off once it is applied [but it comes off in flakes], there is a basis to permit it.

Technically, even if the *battim* are painted with a thick paste that can be peeled off in strips, there is a basis to rule that they are kosher. Nevertheless, one should avoid using such paint. The common custom today is to use a thin, watery paint.[127]

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entirely black at first glance, but upon closer inspection one finds spots where the paint has chipped off, one may still wear the tefillin and recite the blessing. This ruling is for Ashkenazic Jews; for Sefardic Jews it is certainly kosher.

127. The Talmud (*Sanhedrin* 89a) teaches that the compartments on the right and left sides of the *tefillin shel rosh* must be exposed to the air, and if not they are not kosher. Based on this, the responsa *Noda Bihuda* (Vol. I, #1) suggested that if someone paints his tefillin *battim* with a thick black paint it is not kosher since the paint prevents the *battim* from any exposure to the air. His conclusion is to be lenient, since any material added for the sake of beautifying an object is not considered an interfering substance (*hatzitza*). Still, he insisted that the paint must not be thicker than the leather or parchment used to make the *battim*. The *Od Yosef Hai* (*parashat Haye Sara* halakha 11) cited this responsum, and apparently concurred with its rulings.

The *Haye Adam*, however, ruled that thick paint would be a *hatzitza* between the *battim* and the air. This is likewise the position of the *Bet Meir*, and therefore the *Haye Adam* ruled that one must use a thin paint that only colors the *battim* without adding to their dimensions. If a thick black paint is used, it depends what kind of paint it is. If it can only be chipped off after it is applied, it is kosher, but if it can be peeled off in strips it is not. According to the *Noda Bihuda*, the *battim* can be considered kosher no matter what type of paint was used to blacken them. The *Mishna Berura* (32:185) cited the rulings of the *Haye Adam* as the halakha in practice.

In the most recent edition of the responsa *Yabia Omer* (Vol. I, #1), a handwritten gloss from Maran the Rishon Letziyon is included, concurring with the lenient position of the *Noda Bihuda*. The gloss lists several *Aharonim* who ruled likewise, unlike the stringent view of the *Melekhet Shamayim*. Maran the Rishon Letziyon pointed out that the *Melekhet Shamayim* also ruled that parchment that is painted white (*kelaf mashu'ah*) cannot be used for sacred scrolls, and it appears that these two rulings are related. Our tradition has been to consider the whitened parchment kosher, and by the same token we can consider *battim* blackened with thick paint to be kosher as well. [Note that above in halakha 38, it was explained that whenever

קנא. לכתחילה יהיה הצבע שחור כעורב, אך מעיקר הדין די כל שלעיני בני אדם נראה שחור, ויצבע כל חלקי התפילין והשי"ן והתיתורא והמעברתא. [פסקי תשובות אות סה]
ויש להשחיר במקום החיתוך שעושין בצדדי המעברתא להיכר הריבוע. אבל אין צריך לצבוע בחלל המעברתא (תמונה ע"ג). [פסקי תשובות הערה תסג, בשם ס' זכרון אליהו]

קנב. אם ציפה הבתים (עשויים מעור בהמה טהורה), בציפוי זהב, או בציפוי עור בהמה טמאה, פסולים. [ש"ע סעיף מח], ואפילו חתך במקום השי"ן שהשי"ן נראה. [משנ"ב ס"ק רכא]
וכל זה דוקא כשחיברם על הבתים, אבל הקופסאות שעושים לבתי התפילין, אין בזה חשש. [ערוה"ש סוף סעיף פ"ח, פסקי תשובות אות עד]. וראה לעיל בסימן כ"ז שלא לכסות התפלה של יד בכיסוי פלסטיק בשעת ברכה.

Day 38

Which shade of black?

151) The paint used to color the *battim* should be "black as a raven." Technically, any shade of black that people consider to be black is kosher. All sides of the *battim* should be painted black, including the two letters *shin*, the *titura*, and the *ma'abarta*. Care should be taken to paint the fourth side of the *titura*, meaning the places where the *ma'abarta* is cut away to form the square of the *titura*. It is not necessary to paint inside the *ma'abarta* (Illustration № 73) or the underside of the *titura*.

***Battim* overlaid with other materials**

152) If someone would overlay the *battim* with gold or with leather made of a nonkosher animal's skin, the *battim* would not be kosher, even if windows were cut on either side so that the letters *shin* would be visible.[128] This halakha applies only to coverings that are attached permanently to the *battim*, but not to caps that can be put on and taken off at any time. Above, in *Siman* 27, it was explained that one should remove any such cap when one recites the blessing on the tefillin.

possible one should avoid using tefillin with scrolls made of parchment that was painted white, but if there are no other tefillin available one may use them and recite the blessing on them.]

Nevertheless, one should avoid using *battim* blackened with a thick paste that can be peeled off in strips, since it is possible that the *Noda Bihuda* would have agreed that this is not kosher. It is more likely that the *battim* are kosher even in such a case, since it is common to find that one can peel off the white paint from parchment, and even so our tradition is to consider the parchment kosher.

The *Halakha Berura* (page 430) did not mention this gloss. In practice, nowadays, fine tefillin are readily available almost anywhere in the world and there is no reason to rely on any questionable leniency. Just as we avoid using tefillin scrolls written on *kelaf mashu'ah*, we ought to avoid using *battim* covered with thick black paste. See below in *Siman* 33 regarding the paint used on the tefillin straps.

128. The *Halikhot Shelomo Tefilla* (page 55) and the *Piske Teshuvot* (32:74) ruled that it is permissible to apply oil or varnish to the bottom of the *battim* to protect them from sweat or moisture, or to give the leather a glossy appearance. It is likewise permissible to apply a transparent synthetic substance that becomes absorbed into the leather and adds to its strength. Many people apply such a substance to the corners of the *battim*. Above in halakha 127, it was explained that it is permissible to apply gelatin made from the bones of nonkosher animals to the bottom of the *titura*.