הכנסת הפרשיות לתוך בתים

קפה. יתן כל פרשה בבית שלה, שתהא זקופה מעומד בביתה (תמונה ק"ד). [ש"ע סעיף מה]. והוא כדרך קריאתה וכדרך שמעמידים ספר תורה בהיכל. [משנ"ב ס"ק ריג, קול יעקב ס"ק ריד]. ובדיעבד אם נתן הפרשה בבית כשהיא מושכבת, אין לפסול התפילין בשביל זה. אך מכל מקום מכאן והלאה צריך לתקן, שיוציאם ויניחם כהלכה. [משנ"ב שם]

ויניח הפרשיות בבתים באופן, שיהיה הגליון עליון תחילה שזהו שורה עליונה, וגליון תחתון למטה לצד פתח הבתים. [ראה ש"ע סעיף מו]. שאם לא יעשה כן, יעמדו האותיות הפוכות נגד הקורא. (תמונה ק"ה) [משנ"ב ס"ק ריד]

וכן יעמיד את ראש הפרשה שיהיה מונח לצד ימין הקורא (העומד מול מניח התפילין), שאם יבוא לפותחן ולקרוא בהן, יהיו הפרשיות מונחות לפניו כהלכתן, ולא יצטרך להופכן. (תמונה ק"ו) [רמ"א שם, וקול יעקב ס"ק רטז]

Inserting the Scrolls Into the *Battim*

Position of each scroll

185) Each scroll must be inserted upright (Illustration № 104) into its compartment as if it is ready to be unrolled and read, just as Torah scrolls are stored upright in the synagogue Ark. If someone inserted the scrolls sideways into the compartments, the tefillin are kosher, but they must be taken apart and put together in the correct position as soon as possible.[157]

When inserting the scrolls into their compartments, the *bayit* is usually held upside down. Therefore, the top of the scroll must be inserted first so that once it is inside the compartment we can see the bottom margin of the scroll. Once the *bayit* is shut and turned right side up, the scrolls will likewise be upright as they should be.[158] (Illustration № 105)

Furthermore, the right end of the scroll should be inserted so that it will be to the right of a person facing the one who is wearing the tefillin on his head. We are to imagine that the person facing him wishes to read the scroll, in which case he would begin by unrolling the scroll and finding the beginning words immediately.[159] (Illustration № 106)

157. The *Halakha Berura* (page 453) ruled that even if the scrolls were inserted sideways, it is permissible to recite a blessing on these tefillin, following the ruling of the *Shulḥan Arukh*. Also, he ruled that it is incorrect to insert the scroll so that its position is diagonal. According to some *Poskim*, this is preferable, just as they rule that mezuzah scrolls should be positioned diagonally on the doorposts. Sefardic Jews, however, position their mezuzah scrolls vertically on the doorposts, and therefore we must make sure that our tefillin scrolls are likewise positioned vertically.

158. **If the scrolls were inserted upside down** in their compartments, most *Aḥaronim*, in particular Harav Zalman (*Kuntras Aḥaron* 32:15) and the *Kol Yaakov* (32:215), ruled that the tefillin are not kosher, although the *Shulḥan Gavo'ah* ruled that they are kosher. The *Arukh Hashulḥan* (32:84) asserted that there is no reason to be lenient, since the tefillin can be opened up and the scrolls inserted once more in the proper position.

159. The positioning of the scrolls is always determined by how they appear to a person facing the fellow wearing the tefillin. Thus, the first scroll (*kadesh*) must be inserted in the compartment furthest left, so that it will to the right of the person facing them. The scroll of *vehaya ki yevi'akha* is inserted into the compartment next to it, while that of *Shema* is inserted into the third compartment. Finally, the

קפו. יזהר מאוד שכל הפרשיות יהיו מונחות בתוך הבתים, ולא יצאו חוץ לבתים לחלל התיתורא. שאם יצאו החוצה יהיו פסולים. (תמונה ק"ז, קמ"ט) [ראה קול יעקב ס"ק ריג, וביבי"א ח"א סו"ס ב]

Inserting scrolls into compartments

186) The scrolls must be inserted so that each entire scroll is inside its compartment. The bottom of the scroll must not protrude down into the *titura*. If the scroll protrudes into the *titura*, the tefillin are not kosher.[160] (Illustration №107 and Illustration №149)

scroll of *vehaya im shamowa* is inserted into the compartment furthest right, so that it appears on the left side to the person facing them. For the same reason, the outer edge of each scroll should be positioned to the right of the person facing it.

Harav Zalman (32:70) categorized this halakha as something that one should take care to do ideally, inferring that if someone inserted the scroll with the opening edge to the left of a person facing the tefillin, it is still kosher. Actually, it appears from the wording used in the *Terumat Hadeshen* (#49), which is the source for this halakha, that this is true regarding the scroll of the *tefillin shel yad*, but if someone inserts the scrolls of the *tefillin shel rosh* with the opening on the wrong side it might not be kosher. The *Arukh Hashulhan* (32:84) ruled that we must consider this halakha as essential for kosher tefillin, and if the scrolls were inserted the wrong way they must be taken out and inserted the correct way.

One might be surprised at the fact that the scrolls must be positioned in a manner that makes them ready for someone to read them, while in practice they are almost never taken out to be read. Technically, it might never be necessary to open the *battim* and inspect the condition of the scrolls, as explained below in *Siman* 39:27.

Apparently, it is important for spiritual reasons to have the scrolls positioned upright and ready for someone to read them. This might be based on the verse (*Devarim* 28:10), "וְרָאוּ כָל עַמֵי הָאָרֶץ כִי שֵם ה' נִקְרָא עָלֶיךָ" – all the world's nations will see that God's Name is called upon you." It is as if the people who see tefillin on a Jew's head can read the scrolls contained inside, which include God's Name numerous times.

160. The *Shene Luhot Haberit* (tractate *Hullin*) states: "Each of the four scrolls of the *tefillin shel rosh* must be inserted entirely into its compartment. Therefore, we must protest those scribes who write the scrolls in large letters, necessitating a scroll that can accommodate four such lines. These scrolls cannot be fit into the compartments. To compensate, they use *battim* with a thick *titura* so that the scrolls can protrude from their compartments into the space provided by the *titura*. This is incorrect, since the scrolls must be inserted entirely inside their compartments."

Based on this, the *Zivhe Tzedek*, cited in the *Kol Yaakov* (32:213), ruled that if the scrolls protrude from the compartments into the *titura*, it is not kosher. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. I, #2:5) likewise complained about those who purposely make tefillin *battim* in such a way that forces the scrolls to reach the bottom of the *titura*, thinking that this enhances the beauty of the tefillin. Whenever such tefillin were presented to him, Maran the Rishon Letziyon ruled that they are not kosher, based on the ruling of the *Shene Luhot Haberit*. The *Zivhe Tzedek* likewise related that a set of tefillin like this was shown to Harav Moshe Hayim (grandfather of Harav Yosef Hayim) and he ruled that it was not kosher. Harav Yosef Hayim concurred with this ruling in his *Rav Berakhot* (*ma'arekhet Tefillin* #3).

A basic Torah principle is that of *rubo kekhulo*, a majority of something is equal to the entire thing. For example, if a rabbinical court votes on a case and a majority of the judges decide that someone is guilty, it is considered a unanimous verdict. Another example is the mitzvah of kosher slaughter, which is to slice through the animal's trachea and esophagus. If the *shohet* sliced through more than half the diameter of these organs, the animal has been properly slaughtered, as if he had sliced through them entirely.

Based on this principle, the *Rav Berakhot* challenged the ruling of the *Shene Luhot Haberit*. If more than half the scroll fits into its compartment, we should consider it as if the entire scroll had been inserted into it, and therefore the tefillin should be kosher. Harav Yosef Hayim offered two answers to this question. His first answer is that in truth the tefillin are kosher even according to the *Shene Luhot Haberit*, and that his complaint was only that it is better to make tefillin with the scrolls inserted entirely inside their compartments.

His second answer is that the principle of *rubo kekhulo* applies only when there is a potential for there to be totality. The court could potentially have come to a genuinely unanimous decision, and the *shohet* could have sliced through the organs completely. In this case, however,

ועל כל פנים יזהר הסופר שבעת שבא להכניס כל הפרשה לתוך הבית שלא יכנסו הפרשיות בדוחק רב, שעלול לפגוע באותיות, וגם יהיה קשה לשולפם משם בעת אשר יתן התפילין לבדיקה, ועלול להיגרם קרע או שאר נזק לפרשיות בשליפתם משם. [פסקי תשובות אות ע]

When inserting the scrolls into their compartments, one must be careful not to force them into a space that is barely wide enough for them to fit inside. [Sometimes the long scrolls of *kadesh* and *vehaya im shamowa* cannot fit into the space provided.] The scroll might become damaged while forcing it in, and even if one succeeds in inserting it, it will be very difficult to extract it in the future to inspect it, and the scroll might become damaged in the effort. [If someone encounters this problem, the *bayit* should be taken to a professional *battim* manufacturer who should be able to widen the space to accommodate the scroll.]

since the scrolls are larger than the compartments, it would be impossible for the scrolls to fit inside them entirely. Therefore, although more than half their width fits inside, we cannot consider the scrolls to be inside the compartments, and the tefillin are not kosher. According to this answer, if the scrolls would be short but they were only partially pushed into the compartments, the tefillin are kosher since they could be pushed inside entirely.

Maran the Rishon Letziyon pointed out that the responsa *Binyan Tziyon* (#180) asserted that the principle of *rubo kekhulo* does not apply to every mitzvah of the Torah. It applies only to those mitzvot where we have a tradition through *halakha leMoshe miSinai* to apply that principle. For example, there is a mitzvah to eat *kazayit* of matzo on the Seder night. No one has ever suggested that a person can eat matzo equal to the majority of *kazayit* and that the halakha considers it as if he ate *kazayit* of matzo. Likewise, no one has ever suggested that a man can redeem his firstborn son by paying the majority of five *shekalim* to a *kohen*.

For more about this, see above in *Siman* 27 regarding positioning the *tefillin shel rosh* above one's hairline.

Harav Meir Mazuz's opinion

In Rav Meir Mazuz's glosses to the *Mishna Berura*, he ruled that if the scrolls are partially protruding down into the *titura*, the tefillin are still kosher, although not ideal. His premise relies on the first answer offered in the *Rav Berakhot*, noting that the *Shene Luhot Haberit* did not state that the tefillin would not be kosher. He also challenged the premise of the *Binyan Tziyon*, explaining that if the Torah teaches that the minimum amount of matzo one must eat is *kazayit*, then it is obvious that someone who eats less than that has eaten less than the minimum requirement. If the Torah sets the price for redeeming a firstborn son as five *shekalim*, it is not possible to pay any less. In this case, however, the halakha requires the scroll to be inserted into the compartment, and if most of the scroll is inside, we may say that the halakhic requirement has been satisfied.

The *Piske Teshuvot* (*Siman* 32, footnote 518) lists several *Poskim* who ruled that the tefillin are kosher even if the scrolls protrude into the space of the *titura*. (Illustration № 149)

Within the space of the upper *titura*

The responsa *Minhat Yitzhak* (Vol. VI, #6) testified that someone told him that according to the author of *Hazon Ish*, if the upper *titura* is made from the same piece of leather as the four compartments, the tefillin are kosher even if the scrolls protrude from the compartments, as long as they protrude only into the space of the upper *titura*. He added that the *Kol Yaakov* ruled that the tefillin are not kosher since they protrude into the space provided by the added leather plate between the upper *titura* and the lower *titura* (see above in halakha 132). We may therefore assume that he would have agreed with the lenient ruling of the author of *Hazon Ish*. (Illustration № 108 and Illustration № 149)

The *Piske Teshuvot* (32:70) concurred with the ruling of the *Minhat Yitzhak*. In fact, the *Yeri'ot Shelomo* (Vol. II, Unit *Hagah Kehilkhatah*, page 334) asserted that Maran the Rishon Letziyon and Harav Ben Tziyon Abba Shaul both concurred with it. The *Yalkut Yosef* (pages 571-574), however, maintained that according to Maran the Rishon Letziyon the tefillin are not kosher even in this case.

Regarding *tefillin shel yad*

The *Piske Teshuvot* (32:70) added that the *Poskim* who ruled stringently about this were referring to the *tefillin shel rosh* only. Regarding the *tefillin shel yad*, the *Poskim* agreed that the tefillin are kosher even if the scroll protrudes down to the lower *titura*. The *Shene Luhot Haberit* mentioned this problem regarding the *tefillin shel rosh* only. The *Hiddushim*

קפז. מותר לתחוב חתיכת קלף בתוך הבית, למטרת חיזוק עמידת הפרשה בתוך הבית, שלא תפול ותרד עם הזמן עד לתחתית התיתורא. (תמונה ק"י) [פסקי תשובות אות ע בשם שו"ת אבן ישראל. וכ"פ הגרח"ק בס' דעת נוטה ח"ג סי' תקפב]

קפח. הכנסת הפרשיות לבתים לכתחילה יהיה על ידי גדול בר חיובא. ונכון לומר בשעת הכנסת הפרשיות לבתים "לשם קדושת תפילין". [פסקי תשובות ריש אות ע]

קפט. המנהג להכניס הפרשיות לבתים לפי הסדר, בראשונה 'קדש' ולאחריה 'והיה כי יביאך' וכן הלאה. ואין זה לעיכובא כלל, והעיקר שיזהר מאוד ויקפיד ליתן דעתו שלא להניח הפרשה שלא בביתה הנכון, כי אז פוסל התפילין. [שם]

Day 47

Securing the scroll in place

187) If the scroll is loose in its compartment, it is permissible to add another piece of blank parchment next to it to hold it in place and ensure that it does not [turn around or] fall down into the area of the *titura*.[161] (Illustration № 110)

Adult male Jew

188) Only an adult who is obligated to fulfill the mitzvah of tefillin should insert the scrolls into the *battim*. Before he begins, he should declare that he is inserting the scrolls for the sake of the sanctity of tefillin.

Insert scrolls in the proper order

189) The custom is to insert the four scrolls of the *tefillin shel rosh* in order, starting with *kadesh*, then *vehaya ki yevi'akha*, and so forth. Nevertheless, if someone inserts them in a different order the tefillin are perfectly kosher, as long as he inserted each scroll into the compartment where it belongs. If any of the scrolls is not placed in the proper compartment, the *tefillin shel rosh* is not kosher.

Uvi'urim cited the author of *Hazon Ish* explaining that in the *tefillin shel rosh* we need to have the four separate scrolls in four separate compartments, and therefore the scrolls must be inserted entirely in the compartments. In the *tefillin shel yad*, there is no need for any separation, and therefore we may be lenient about positioning the scroll. It is best however, to make sure that the scroll of the *tefillin shel yad* is inserted entirely inside its compartment above the *titura*. (Illustration № 109)

Trimming the scrolls' margins

The *Halakha Berura* (page 456) stated that if someone wishes to insert brand-new tefillin scrolls into *battim* and he finds that they protrude down into the *titura*, he may trim the margins above the top line and below the bottom line if that will enable the scrolls to fit entirely into their compartments. If the scrolls have already been used for the mitzvah of tefillin, however, he may not trim the margins. The act of fulfilling the mitzvah has enhanced the sanctity of the parchments, and the margins may not be made unusable. If someone did trim the margins mistakenly, the tefillin are kosher and may be used.

161. This is the ruling of the responsa *Even Yisrael*, cited in the *Piske Teshuvot* (32:70), and Harav Hayim Kanyevski in *Da'at Torah* (Vol. III, #582). Harav Menashe Gross, however, argued (*Lema'an Pe'erkha*, page 81) that the extra piece of parchment might be considered a foreign body interrupting between the side of the *bayit* and the scroll. The *Tefira Tama* (page 89) refuted that, explaining that parchment cannot be considered an interruption since it is made of animal skin just like the *bayit* and the scroll. Nevertheless, the extra parchment might present a different halakhic problem, so he recommended using a long piece of parchment as the scroll's wrapper, and to wedge the scroll in by pushing the extra portion alongside it. Even this suggestion was challenged by Harav Levi Yitzhak of Berdichev in the foreword to *Ta'alumot Soferim* (#15). Nevertheless, the common custom is as described by the *Tefira Tama*.