בדיקת תפילין

כז. אין חיוב מעיקר ההלכה לבדוק בחודש אלול את התפילין, ומנהג חסידות להחמיר לבדקן בכל שנה בחודש אלול. [שו"ת יחו"ד ח"א סי' מט]

Day 84

Periodic Examination of Tefillin Parchments

Every year during Elul

27) The devout make sure to have their tefillin parchments examined each year during the month of Elul. Technically, there is no such obligation.[314] In our times, many of the scribes dealing with tefillin and mezuzot are not expert in the halakhot. Many times people have discovered, long after purchasing their tefillin, that

to lower its status by sending it to be used in a Conservative congregation.

The *Halakha Berura* (page 263) disagreed, arguing that the *Igrot Moshe* misinterpreted the *Sha'are Yeshu'a's* ruling. The problem with selling a Torah scroll to Karaites is not simply because no Torah Jews would consider buying it from the Karaites, but because the very act of selling the Torah to them is considered an act of taking a kosher Torah scroll out of circulation even if it is possible for it to be restored. As long as the Torah scroll is in the Karaite's hands, it is used by people to deny the authenticity of the Oral Torah, and therefore interpret the written Torah in a manner that is totally corrupt. They fulfill no mitzvah when they read from the Torah scroll, and therefore this Torah scroll is literally out of circulation.

Accordingly, there is no difference between selling the Torah scroll to Karaites or to a Reform or Conservative congregation. The very act of selling a Torah scroll to such a congregation is disrespectful to it. The responsa *Yaskil Avdi* (Vol. VII, appendix to *Y.D.* #1) concurred with this ruling.

The author of *Halakha Berura* added that he believes that if the author of *Igrot Moshe* was alive today he would agree that it is a crime to sell a Torah scroll to such a congregation, for their attitudes and practices have deteriorated to the point that their "prayer services" have been reduced to social events and discussions of anti-Torah dogma. On Simhat Torah, for example, men and women dance together in Conservative congregations. The status of such congregations today is far worse than that of Karaite Jews, and it is likely that it is forbidden even to sell a nonkosher Torah scroll to them, and even if they are willing to pay a premium price for it. The author related that he discussed this issue with his father, Maran the Rishon Letziyon, and that he agreed that one should be stringent regarding this.

314. The Talmud Yerushalmi (*Eruvin* 10:1) cites a *baraita*: According to Ribbi, tefillin parchments must be examined once every twelve months. According to Rabban Shim'on ben Gamli'el, it is never necessary to have them examined. Hillel the Elder [supported this position, and] declared, "These tefillin belonged to my maternal grandfather."

The *Mekhilta* at the end of *parashat Bo* presents an opposing version, stating that the scholars of Bet Hillel ruled that tefillin must be examined once every twelve months since the Torah uses the expression *miyamim yamima*, which means "once a year." The scholars of Bet Shammai, on the other hand, ruled that there is no such obligation, [based on the fact that] Shammai the Elder once declared, "These tefillin belonged to my maternal grandfather."

We always follow Bet Hillel and not Bet Shammai, so according to the version appearing in the *Mekhilta* we ought to rule that tefillin parchments must be examined once a year. According to the version appearing in the Talmud Yerushalmi, however, it was Hillel the Elder who declared that tefillin do not need any examinations. Even though the *Mekhilta* derives this obligation from a verse, the Talmud (*Menahot* 36b) states that Ribbi Akiva interpreted that verse as teaching about the *korban Pesah*, and it has nothing to do with tefillin. See the comment of Tosafot to *Menahot* 43a, and that of responsa *Yehave Da'at* (Vol. I, #49).

Comments of the *Rishonim*

Rambam (*Hilkhot Tefillin* 2:11) ruled: "If someone writes tefillin parchments for his own use, or if he purchases parchments written by an expert, or from another person but he has them examined and then placed into the tefillin housings, it is not necessary to have them examined again, even if years have passed. We need not fear that a letter became erased or that a hole was eaten through the parchments while they are sewn into their housings. Hillel the Elder used the same tefillin as his maternal grandfather."

The *Orhot Hayim* (*Hilkhot Tefillin* #29) cited the passage found in the *Mekhilta* and commented: "The Torah scholars of France would have their tefillin

ובזמנינו שרבו הסופרים והמגיהים שאינם מומחים כראוי בדיני תפילין ומזוזות, וכמה פעמים נמצאו פיסולים באותיות שלהן, אם קנה תפילין, ואין יודע אם נעשו בכשרות כהלכה, ראוי להחמיר ולבודקן פעם אחת לדעת טיבן של התפילין (ואחר כך שוב אין צריכין בדיקה מעיקר הדין, וממידת חסידות בכל אלול)

they had never been kosher. Therefore, it is highly recommended for everyone to have his tefillin examined at least once by an expert to ascertain that they are indeed kosher. Once this is done, it is no longer necessary to examine them again, but it is still a practice of the devout to have them examined every year during the month of Elul.

examined once annually. I discovered a responsum from the *Ge'onim*, however, ruling that if someone wears his tefillin all the time it is unnecessary to have them examined, even if fifty ~~y~~ears have passed. Since they are used regularly, the fresh air prevents the parchments from decaying inside the *battim*. If someone wears the tefillin only occasionally, however, they must be examined."

The *Shulḥan Arukh* (39:10) ruled that once tefillin parchments are known to be kosher, if the tefillin are used on a daily basis it is never necessary to have them examined.

Comments of the *Aḥaronim*

The *Kenesset Hagedola* and the *Magen Avraham* both testified that they know of people who had their tefillin examined and discovered that the parchments were ruined because of the wearer's perspiration. Therefore, they strongly recommended that everyone have his tefillin examined at least twice every seven years. This corresponds with the *Shulḥan Arukh's* ruling (*Y.D.* 291:1) that one must have the mezuzot on one's doors examined twice every seven years. The *Mishna Berura* (39:10) concurred with this ruling.

Maran the Rishon Letziyon (responsa *Yeḥave Da'at* Vol. I, #49) cited the *Matte Yehuda* Ayash stating that tefillin cannot be compared to mezuzot. Tefillin are picked up and moved around all the time, and fresh air helps maintain them in good condition. Therefore, periodic examinations are not necessary. Mezuzot, however, sit in one place all the time, enclosed in their wrapping, where no fresh air has any access.

Maran the Rishon Letziyon ruled that the *Matte Yehuda's* ruled is correct, technically, especially since the *Mor Uktzi'a* asserted that with our improved methods of constructing tefillin there is little concern that the parchments could become ruined by a person's perspiration. As a matter of piety, however, it is correct to have the tefillin examined annually during the month of Elul, following the advice of the *Matte Efrayim*. This is especially so in our times when many scribes and others dealing with tefillin are not expert in the pertinent halakhot and errors are often discovered. If this is what is recommended regarding tefillin, it is certainly recommended regarding mezuzot.

This recommendation for having the tefillin examined regularly is meant for those who have purchased their tefillin from an available dealer without ascertaining who wrote the parchments and how they were constructed. These people should not wait until Elul to have the tefillin examined, but rather they should do it at the first opportunity. Once the tefillin have been examined and found to be kosher, it is no longer necessary to examine them annually, but it is still considered a pious practice to examine them every year during the month of Elul.

If someone purchased his tefillin from a scribe who is known to be expert and God-fearing, there is no obligation to have them examined afterward, as the *Matte Yehuda* ruled. Harav Shelomo Zalman Auerbach (*Halikhot Shelomo Tefilla*, page 59) asserted that the tefillin we use nowadays are constructed in a manner far superior to those our grandfathers used a century ago. Therefore, unless something happens that gives someone reason to suspect that something is wrong with them, we no longer have our tefillin examined regularly. It is highly unlikely that a person's perspiration could affect his tefillin parchments. On the contrary, the more often one's tefillin are opened, taken apart, and examined, the more likely it is that something will happen to ruin them.

כח. אם מניח את התפילין מידי פעם (אפילו פעם בשבוע), צריכין בדיקה פעם בכל שלוש וחצי שנים. [ש"ע סי' לט ס"י]. והטעם, שכיון שאינו מניחן תדיר ואין אויר שולט בהם, חיישינן שמא הלחות נכנס בכתיבה ונתקלקלו, וכל שכן אם הם עומדים במקום לח. [קול יעקב ס"ק מ, ועי' משנ"ב ס"ק כז].
ואם אין שם מי שיכול לבודקם, או מי שיכול לתופרם, יניחם כך בלא בדיקה, [רמ"א שם], אך לא יברך עליהם.

כט. תפילין שנקרע חיפוי הבתים או שנפלו במים, צריך תיכף לבודקם, שמא נמחק הכתב או נתקלקל. ואם אין לו מי שיבדוק אותם, יניחם בלא ברכה. [משנ"ב ס"ק כו, קול יעקב ס"ק מא]

Tefillin worn only occasionally

28) If someone wears his tefillin only occasionally,[315] they must be examined once every three-and-a-half years. The exemption from having tefillin examined applies only to tefillin that are worn every weekday. If they are not worn every day, they are more likely to be ruined by moisture that makes its way to the parchments and damages the writing. This is especially so if they are stored in a location susceptible to dampness.

If no one is available who is capable of examining the tefillin and putting them back together, one may continue to wear them, but without reciting the blessing for the mitzvah.[316]

Day 85

If the *battim* are damaged

29) If the tefillin *battim* are damaged, or if the tefillin fall into water, they must be examined before they can be worn again, since there is good reason to suspect that the parchments have been damaged. If no one is available who is capable of examining the tefillin and putting them back together, one may continue to wear them, but without reciting the blessing for the mitzvah.[317]

315. The *Matte Yehuda* Ayash (39:8, cited in the *Kol Yaakov* 39:39) debated the meaning of "occasionally" regarding this halakha. Does it mean once a month, once a week, twice a week? He concluded that one ought to examine the tefillin regularly unless he wears them every weekday.

The *Yalkut Yosef* (25:13) states that if someone does not wear his tefillin regularly, but leaves them in a cabinet for an extended period, he must have them examined once every three-and-a-half years. The author apparently was unaware of the *Matte Yehuda's* ruling, however, that even if someone wears them once a week he must have them examined.

The *Piske Teshuvot* (*Siman* 39, footnote 35) cited the *Eshel Avraham* of Butchatch and the *Shulhan Hatahor* ruling that we must have our tefillin examined even though we wear them daily, since we wear them only during *shaharit* and not all day long. It seems, however, that the *Poskim* did not agree with this definition since they already had the practice of wearing tefillin only during *shaharit* and still they did not consider people with this practice to be in the category of wearing tefillin "occasionally." This makes sense as well since a daily exposure to fresh air should be sufficient to preserve the tefillin.

316. The *Haye Adam*, cited in the *Mishna Berura* (39:28), ruled that one may continue to recite the blessing on the tefillin as long as there is no visible sign that any damage has occurred. This seems to be the ruling of the *Kol Yaakov* (39:41) as well, and it is the opinion of the *Levush* at the end of this *Siman*. The *Halakha Berura* (page 269) likewise cited this opinion. Nevertheless, it seems that one must follow the principle of *safek berakhot lehakel* since the *Mishna Berura* concluded that it is not clear that we can rely on the *Haye Adam's* ruling. If someone insists on continuing to recite the blessing, he has a solid basis for doing so.

317. This is the ruling of the *Peri Megadim*, cited by the *Mishna Berura* (39:26) and the *Kol Yaakov* (39:41). They explain that it is not possible to assume