

SIMAN 36: THE EXACT DETAILS OF WRITING THE [TEFILLIN]

by Torah.org

36:1. One must be exact (1) in the writing of the letters, that (2) the form of any one of them not be changed, and it not look like (3) a different [letter]. [Rama: And "l'chatchila" [= ideally; a priori] one should write (4) in the perfect script, as explained in the Tur and other authorities and which is known by the scribes. However, (5) if he changed the form of the writing it is not "posul" [= invalid].]

MB 1: *In the writing - and likewise if the letter's form was changed after the original writing by a hole or tear or smudge, it is invalid; as above Siman 32.*

MB 2: *The form - even if the change in form was only in part of the letter, e.g. he left out the top piece of the "aleph", or the point of the "yud", or the "yud"-shaped appendages of the "aleph" touched the body of the "aleph" [besides the one point at which they are supposed to touch the body - AB], etc. Even if a child [who is too young to deduce the identity of the letter from context] reads it as the proper letter, this does not help, since we know that it does not have the proper form.*

MB 3: *A different letter - I saw in the work Maaseh Rokeach who quoted as halacha the responsa of MaHaRANaCH Siman 1, who wrote that even if only part of a letter looks like a different letter it is "posul" [= invalid]. But from the words of the GR"A above in Siman 32 Seif [= paragraph] 18 it seems otherwise, and likewise wrote the Pri Chadash.*

MB 4: *In the perfect script - i.e. a perfect, complete script, with the form of the letters in accordance with what was learned from the Talmud, the traditions of the "rishonim" [= earlier authorities], and with the mystical tradition, as explained in the Beis Yosef in this Siman.*

MB 5: *If he changed etc. - i.e. he did not write the form of the letter that is described in the [halachic] works [then it is not "posul"]; but the [basic] form of the letter is required [even post facto], as the Shulchan Aruch wrote "that the form of any one of them not be changed". And even more so [is it true that we require] that he not change it to [look like] a different letter, e.g. from a "daled" to a "resh", from a "beis" to a "chaf", etc. [The examples are pairs of similar letters between which such a mistake might arise. - AB] The intention [of this distinction between the ideal form and the absolutely required basic form] is as the Noda BeYehudah wrote in Siman 80, that for a rule which has no root in the Gemara, we do not invalidate the writing if it is broken [and this is what the Rama spoke about. But rules rooted in*

the Gemara fall under the Shulchan Aruch's ruling of not changing the basic form, and if such a rule is broken it renders the writing "posul"']. So that the reader should know how to write "l'chatchila" [= ideally] and also which details are rooted [in the Gemara] and [therefore] are part of the basic form of the letter and [therefore] render the writing invalid even post facto [if not obeyed], I have, with the aid of G-d, written on this a special digest, [which is found] after this Siman [but is not be included in halacha yomi - AB]. I copied in it, from the Beis Yosef and Pri Megadim and other "achronim" [= later authorities], halachically practicable pictures of all the letters. I called [this digest] Mishnas Soferim. I also included in it a digest of the principles of the laws of letters being surrounded by white space, carved-out letters, and writing out of order, [taken] from the Pri Megadim and other "achronim".

36:2. Each letter must be one contiguous block. Therefore, one must insure that the "yud"-shaped little piece above the [body of the] "aleph", and the little piece below it, and the "yud"[-shaped heads] of (6) the "shin" and "ayin", and the back [piece] of the "tzadi" touch the [main body of the] letter. (7) If one [such appendage] (8) does not touch [the body of the letter], it is "posul". (9) Likewise for all other letters, except for "heh" and "kuf", [in which] the foot [i.e. lower right vertical line] (10) should not touch (11) the roof [i.e. upper horizontal line] and if it does touch it is "posul".

MB 6: *The "shin" and "ayin" - [This is true] for all the heads [of a "shin" or "ayin"].*

MB 7: *If one - i.e. even one "yud" of a "shin". Likewise if there is a break in the middle of a letter.*

MB 8: *Does not touch - even if the break is subtle so that the break is not obviously noticeable. There is no benefit in such a case to the reading of a child [i.e. even if a child recognizes the letter correctly], since the letter is known and one would not confuse [it] with another [rather, there is a special flaw of not being contiguous]. Only if the flaw is that there is some doubt whether it resembles a different letter, then the reading of a child is effective [in resolving the doubt], as above Siman 32 Seif 16. This is [true] if [the letter was] not repaired, but in conjunction with repair, if a child read the letter [correctly] it is effective in preventing the disqualification of writing out of order, as above Siman 32 Seif 25. (See there [MB 118] what we wrote in the name of R' Akiva Eiger about the "yud" on the left side of the "tzadi", if [it was not attached and therefore the "tzadi"] looked like a "yud" and a "nun".) In all of this, there is no difference whether [the mistake] was made at the time of writing, or afterwards [through wear and tear], as above Siman 32.*

MB 9: *Likewise for all other letters - e.g. the little piece at the bottom of a "gimel", or the little piece inside the "pei", or the leg of the "tav", if they don't touch the [body of the] letter; or [if] there is a break in the middle of any letter.*

MB 10: *Should not touch - "L'chatchila" [= ideally], there should be a separation so that an average*

person could recognize [that the letter is two distinct pieces] easily [if it were in] a Torah lying on the table and he reading from it. But he should also not separate the [leg from the body of the letter] more than the width of the roof [of the letter].

MB 11: *The roof - [This is true not only for the "heh" but] likewise for the "kuf" and its right leg. It is true [that if the leg of these two letters does touch the body it is "posul"] even if it only began to touch after the [original] writing, and even if they are connected [only] by [a line of ink as thin as] a hair, as explained above Siman 32 Seif 18 in MB [83]. See [the Shulchan Aruch] there for how to repair the letter; i.e. if he didn't already write after it, for otherwise [even if it was repaired] it would be written out of order.*

36:3. One must (12) crown (13) "shaatnez getz" [acronym for the letters "shin" "ayin" "tes" "nun" "zayin" "gimel" "tzadi"]. The scribes (14) have a custom to crown other letters. If one did not crown even "shaatnez getz", (15) it is not "posul" [= invalid].

MB 12: *Crown - even in Torah scrolls, and even more so in tefillin and mezuzahs [which are more strict in some aspects of the writing -AB]. And these crowning consist of three small crowns, thin as a hair, protruding up from these letters, one [tilting] rightward, one leftward, and one [pointing straight] upwards. But some say that all three [point] upward, and this is the custom. Each crown [of the three crowns on each letter] is like a thin line, in our custom in these lands. But it is better to make each one like the form of a "zayin", just extremely small and fine.*

MB 13: *"Shaatzet getz" - likewise [even] the regular "tzadi" and final "nun". [The words "shaatzet getz" contain a regular "nun" and a final "tzadi". - AB] If the scribe made additional crowns, besides the letters "shaatzet getz" and besides the ones mentioned in the Tur and Levush as customary among scribes, this does not invalidate [the writing], but only on the condition that [the crowns] are attached to the letter [as they always should be]. But if [one] is not attached, one should erase it, even from the letters of the Holy Name. "L'chatchila", [though,] it is not proper to add crowns on one's own where it is not written in the [halachic] works. The crowning of "shaatzet getz" is on the third [i.e. rightmost] head of the "shin" and the left head of the "ayin", "tes", and "tzadi"; and one should attach them to the middle [of the head], not the end. The "achronim" [= later authorities] write in the name of a responsa of the ReMA that one should take care that the crowns be separate one from another so that they look only like [little] "zayin"s, and not like a [little] "ayin" or "shin", and this is an absolute condition even post facto. Also, the crowns must touch the body of the letter, and if not it is "posul"; even though post facto we do not require the making of crowns [at all] as the Shulchan Aruch wrote, this is worse [than no crowns at all], because it is like a small extra letter between the lines. See the Yad Ephraim, who wrote that it is not effective even to then attach them to the letter, but one must erase and rewrite them. Only if we know that they were written by an expert, we can assume that it became separated [only] after it was written, and [therefore] allow [just] attaching them to the letter. But the Levushei Srad wrote that the ReMA holds that this [flaw of an extra little letter] is no worse than a lack of surrounding white space [Every letter must be completely*

surrounded by white space -AB], which only invalidates [the writing if present] in the original [writing]; therefore, if it became detached after it was written, it is okay without any repair. According to his opinion, then, [even] if they were not attached in the original writing, at least they can be repaired, like the Magen Avraham Siman 32 Note 27 wrote about surrounding white space. This is also how it seems to me from the plain meaning of the words of the ReMA; see there. But in any case, "l'chatchila" it is proper to be strict like the Yad Ephraim. See the Pri Megadim.

MB 14: *Have the custom to crown - in tefillin other letters besides these, and they are listed in the Tur in the name of the Shimusha Raba and in the name of the Rambam [= Maimonides]. These crowns are bigger [designs], but they should be thin so that the [form of the] letter is not ruined by them. One must be extra careful with the crowns on a "vav" or "yud", because these letters can be easily changed by [adding crowns] [since they are themselves very small].*

MB 15: *It is not "posul" - But the BaCH invalidates this. Additionally, the GR"A, in his commentary, logically justifies each opinion [in this argument], and brings many authorities who are strict about this [like the BaCH]. Therefore, it is certainly proper to suspect [that the BaCH is correct] and to repair it afterwards [if you find that crowns have been omitted]. Repair is effective, even in tefillin and mezuzahs, and this is not considered writing out of order, because even without the crowns the [basic] form of the letter is present. Know, additionally, that the Shulchan Aruch [who is lenient on this issue] is referring to a case where one made the top of the letter properly but left out the crowns; but if he also made the top of the letter round [instead of square, so that not only are there no crowns, but there are not even crown-like corners - AB], it seems from the Beis Yosef that one cannot be lenient even post facto according to the interpretation of the ReE"m. Practically, [this question] requires contemplation, because it seems that according to the Rambam, one can always be lenient [i.e. even if the top of the letter isn't squared]. (See the commentary of the GR"A, [who explains that] according to the Rambam the Gemara [which mentions crowns] is not dealing with tefillin at all, only with mezuzahs. [And it is not dealing with] rounding or squaring [the top of the letter], but with actual crowns and only "l'chatchila".) It is written in the work Iggeres HaTiyul that "shaatnez" are the letters of "SaTaN" "AZ" [= Brazen], which are the great accusers. This is also the secret of "shaatnez getz", for "getz" is also the name of an accuser, and the crowns on them are like a sword and spear [with which] to be saved from them.*

Assaf Bednarsh bednarsh@yu1.yu.edu