

The Kashrut of *Mashuah* Tefillin

RABBI CHARLES SIMON

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שאלה

Are *mashuah* tefillin kosher?

תשובה

Tefillin can be purchased in today's market for anywhere between one hundred dollars (\$100) and one thousand dollars (\$1,000), with the tefillin on the lower end of the scale being of lesser quality and, perhaps, made in ways that could affect their acceptability as kosher tefillin. This is complicated by the fact that a variety of different standards exist for what is considered to be kosher. Because seemingly prohibitive cost is often cited as a reason not to purchase tefillin, the problematic nature of the lower-end tefillin needs to be addressed. How does a Conservative/Masorti Jew determine what is acceptable to wear? What are the differences between the various types of tefillin available and what criteria should be employed when a pair of tefillin is purchased?

The major source in rabbinic literature that sets the standards and provides the guidelines for tefillin is the Babylonian Talmud, and specifically the tractate Menahot, Chapter Three (34b-37b), with 34b-35b being the primary source for the construction of tefillin). This material was later codified in the Mishneh Torah (Hilkhot Tefillin) and the Shulkhan Arukh.

According to MT Hilkhot Tefillin 1:3, there are ten requirements for making tefillin, each of which is considered to be *למשה מסיני* and thus sacrosanct. Two of these requirements involve the writing of the tefillin¹; eight involve the coverings and the straps.² The ten requirements are:

1. They must be written in ink that is specially prepared.
2. They must be written on parchment.
3. They must be square (including being sewn closed in a square; having both diagonals of equal length; and all four angles being 90 degrees).
4. The leather of the head must have a shin on both the right and left sides.
5. The passages that are to be placed in the *battim* must be wrapped in fabric.³
6. Hair from a kosher animal or beast must be wound around the fabric.⁴

7. The tefillin should be sewn closed with thread made from the sinews of a kosher animal or beast.⁵
8. The compartment in which they are placed should have a channel through which the straps may pass, so they can be moved through the tefillin's handle (*maabarta*).
9. The straps must be black on the outside; while the underside of the straps need not be black, under no circumstances may they be red.
10. The knots must be formed appropriately.

These ten items can be further divided according to the following three criteria:

- A. The text and the parchment upon which it is written.
- B. The construction of the *battim*.
- C. The straps.

Of these three criteria, the first two — the quality of the text and the parchment, and the *battim* — pose the most basic questions that require clarification. We deal here only with the first criterion; the construction of the *battim* should be looked at separately.

Almost all tefillin today are written on *klaf*; that is, parchment that has been specially prepared for the writing of texts designed for tefillin and mezuzot. *Klaf* can be prepared in one of two ways, *mashuah* and non-*mashuah*. Non-*mashuah klaf* is prepared in the traditional way. All the sources accept *klaf* prepared in this manner. The other way involves an additional process of preparation called *mashuah*. This process has been around for an indefinite period of time and has been a source of controversy for several hundred years for a number of reasons, many of which remain valid today.

Parchment prepared *mashuah*, for whatever sacred purpose, is scraped, coated with a paste-like substance, and then baked. This additional process allows the scribe to write on a smooth surface and, as a consequence, more rapidly.

המזוזות והפרשיות הזולות נכתבות בדרך כלל על קלף משוח. על פניו של הקלף
בצד המיועד לכתובה מושחים שכבה של תערובות נוזלית המכילה סיד וקלף מותך.
השכבה מתקשה ויצרת על הקלף משטח חלק ולבן המאפשר כתיבה מהירה.

The inexpensive mezuzot and [tefillin] portions are generally written on *mashuah* parchment. The face of the parchment — that is, the side to be written on — is covered with a liquidy paste mixture that includes lime and processed parchment. The paste hardens and creates a smooth white surface on the parchment that allows for speedy writing.⁶

Among other things, this allows for a less-costly product. A number of questions, however, have arisen over the centuries about the kashrut of this “treated” parchment. They are:

1. Too thick a paste creates a *gvivd* — a barrier between the ink and the parchment itself.
2. The letters have a greater tendency to wear away and snap off.
3. The *soferim* using *mashuah* parchment are less knowledgeable than other scribes.

Most sources agree that parchment prepared *mashuah* with all considerations taken into account is kasher after the fact.

תורה שנכתבה על קלף משוח כשר בדיעבד. ואף אם המשיחה עבה קצת רק אם
ספר

היא יותר עבה מהקלף יש להחמיר אף בדיעבד.

The Torah scroll that is written on *mashuah* parchment is kosher after the fact. And it is so even if the coating is a bit thick; we should be stringent only if the coating is appreciably thicker than the parchment, even after the fact.⁷

Others, such as Shlomo Ganzfried, the author of the *Kitzur Shulkhan Arukh*, the recognized authority on the making and writing of tefillin and mezuzot, disagree. In יב, יב, סופר סימן ב, he states:

יש מי שמכשיר ויש מי שפוסל דחייץ בין הכתב לקלף ונכון להחמיר.

There are those who permit this and those who state that this process is disqualified because it might form an intervening layer on top of the *klaf*; it is better to be strict in the matter.

The Kol Ya'akov, (Rabbi Ya'akov Chaim Sofer b. Baghdad b.1870) in commenting, takes a different view:

קלף שאחר עיבוד מושחין אותם בצבע לבן ועל ידי זה הקלף חלק אין לפסול מטעם דמפסיק הצבע מאחר שהוא דבוק ואדרבא יש מצוה להתנאות במצוות לקיים לזה אלי ואנוהו. [לפי הרב פמ"א ח"ג סימן ל"ב] אמנם מקום שנהגו כן בצבע הנזכר צריך לזוהר תמיד בזה שיהיה הצבע הלבן דק הרבה שלא יהיה בו ממשות על גבי הקלף שאם לא כן על ידי הגלילה והפתיחה יקפוץ מן הצבע הנזכר ויהיה פירודים באותיות....

A parchment that is made smooth because, after being prepared, it was then coated with a white dye, should not be invalidated on the grounds that the dye constitutes a (הפסק) barrier, since it [the dye] is attached [to the parchment]. Quite the contrary, [because the process enhances the appearance of the parchment, consideration must be given to the fact that] it is a mitzvah to derive pleasure from the mitzvot, as it states [Exodus 15:2], "This is my God and I shall glorify Him." However, where it is the custom to use such a dye, one must be ever careful to make the whitening agent very thin, so that there will not be a hardened substance on top of the parchment of the sort that, because of the [frequent] rolling and opening [of the scroll], the letters will jump off this dye and there will be breaks in the letters...⁸

Zeev Greenwald⁹ sums up the debate in this way:

בספרי הפוסקים מצוי דיון הלכתי אם המשוחה אינה יוצרת חציצה בין הקלף לדיו. ראה ב"פנים מאירות ח"ג סי' ל"ב ובספר מלאכת שמים כלל ב, בבניה ס"ק ח, שהאריך בהבאת שיטות הפוסקים. גם הפוסקים המכשירים מתנים את הכשרות בכך שהמשוחה דקה מאד ושהדיו דרך המשוחה ויספג בקלף עצמו. אם הדיו אינו חודר דרך הסיד ומגיע לקלף, יחדור האותיות אינן כתובות כלל על הקלף והכתב פסול...כאשר הדיו נכתב על הסיד המשוח ואינו חודר לקלף, נחשב הדבר כאילו כתב על נייר המודבק לקלף, ולא על הקלף עצמו והכתב פסול.

In the halachic literature, there is disagreement over whether the coating [of the parchment] creates a barrier between the parchment and the ink....

Even those who validate [*mashuah* parchment] do so on the condition that its acceptability on the coating is very thin, so that the ink can penetrate it and be absorbed by the *klaf* itself. [They reason that,] if the ink does not penetrate the coating and reach the *klaf*, the letters themselves are not actually written on the *klaf*, which makes the writing unacceptable.... For when the ink is written on the coating but does not penetrate to the *klaf*, it is as if it was written on paper attached to parchment, rather than actual parchment, thereby making the writing unacceptable.

The thickness of the paste clearly was an issue for the Hatam Sofer:

כיוון שהטיחה שטחין על הקלף מפסיקה בין הדיו לקלף ולא נכתב ספר תורה על הקלף אלא על הטיחה, וידוע כשגורדין את הטיחה לא נשאר שום רושם כתיבה על הקלף, נמצא ספר תורה שנכתב על דבר אחר שלא על הקלף, אטו אם ידבק נייר על הקלף ויכתוב עליו יוכשר? ומה לי נייר או טיחה? □

Because the paste that is spread over the *klaf* creates a barrier between the ink and the *klaf*, so that the Torah scroll is not written on the *klaf* but on the paste, and it was known that when one scrapes off the paste that there would not be a trace of the writing on the *klaf* itself, what we have is a Sefer Torah written on something other than on the *klaf*; it is as if a separate paper was pasted onto the *klaf*, and this should be considered acceptable? And what is the difference to me whether it is paper or paste [covering the *klaf*, since either is invalid]?¹⁰

Whether the paste allows the ink to pass through to the parchment is less of a problem, however, than the durability of the writing itself:

הבעיה המעשית הקשה ביותר של הקלף המשוח היא שרבות בו מאד האותיות הן נפסקות. □ הדיו מתפורר ונוצר הפסק באותיות. שכיח למצוא אותיות שנמחקו לגמרי.

הסיבה להתפוררות הדיו היא שהקלף הוא גמיש. הוא מתקפל וחוזר ומתיישר בקלות מרובה. שכבת הסיד המשוחה על הקלף היא קשיחה. קיפול המזווה או גלילתה יוצרים סדקים בסיד ועמו נסדק גם הדיו. עם ריבוי הסדקים מתפוררת שכבת הסיד ועמה מתפורר הדיו. נדיר למצוא מזווה משוחה משומשת ללא נפסקים....

לשימוש בקלף משוח קיימת השלכה חמורה נוספת. מחיקת שם קדוש הינה איסור חמור ביותר. נאמר על כך בתורה: □ לא תעשון כן לה, אלקיכם □ (דברים י"ב, ד). המשתמש בקלף משוח עלול לגרום למחיקת שמות קדושים עקב קיפול הקלף. לכן שומר נפשו הנהר מאיסורים והשוואף לקיים מצווה כהלכתה, אינו משתמש בקלף משוח.

The most difficult practical problem regarding *mashuah* parchment is that there are many instances of “broken” letters. The ink deteriorates and creates a break in the letters. It is common to find letters that have been erased completely.

The reason the ink disintegrates is that the parchment itself is flexible, so that it can be rolled back and forth and straightened out with great ease, [whereas] the paste covering the parchment is inflexible. The folding or rolling of the mezuzah creates cracks in the paste and, with it, in the ink, as well. When these cracks increase, the paste deteriorates, as does the ink that is on it. It is rare to find a well-worn mezuzah written on *mashuah* parchment that does not have [letters] missing....

There is an additional issue [this raises] regarding the use of *mashuah* parchment. To erase the Sacred Name is a very serious offense. About this, the Torah says [Deuteronomy 12:4, where the immediately preceding verse ends with a command to obliterate the names of pagan deities]: “You shall not do so to the Lord your God.” One who utilizes *mashuah* parchment is likely to cause erasures of Sacred Names precisely because of the folding of the *klaf*. Therefore, one who watches his soul and keeps away from prohibited things and aspires to perform a mitzvah in a halachically prescribed manner does not use *mashuah* parchment.¹¹

Yet another major concern of all the sources that permit *mashuah* is the knowledge and seriousness of purpose of the scribes who write on such parchment. While one can argue that it is in the interest of the school of established and traditional soferim to be critical of others who write in a manner that is faster and produces a product that is less expensive than what they may produce, the fact is that their concerns are all justifiable.

A little bit of history is necessary. In the years following the establishment of the State of Israel, oral scribal tradition maintains that all tefillin written in Israel were written by Jews from Yemen on *mashuah* parchment. The Chief Rabbinate was aware of the problems with *mashuah* preparation, but reasoned that people would not be willing to purchase tefillin that met more serious (and hence costlier) kosher standards, because of the dearth of traditional scribes at the time. The dearth of such scribes also meant that the availability of “proper” tefillin was limited. Given the situation and because *mashuah* parchment is *kux acirac*, the Chief Rabbinate remained silent and waited until more traditional scribal schools were established.

It was only in the early 1960’s that an effort was undertaken to discourage the purchasing and wearing of *mashuah* tefillin. This effort continues. As a result, a situation exists today where the people who write or more specifically sell *mashuah* tefillin will not wear them.

Maimonides indicates that the *klaf* for tefillin must be processed with the purpose of writing tefillin (a holy object) in mind, ואם עבדך שלא לשמן פסולך — and if they were not processed with this intent, they are not acceptable.¹² The codes and scribal manuals are also clear that the intent pertains to the writing, as well. As Maimonides states: ובשעת כתיבה לא היתה לו כונה וכתב איזכרה מן האזכרות שבהן שלא לשמן פסולך. — “If at the time of writing, he [the scribe] lacked proper intent, and he wrote but one of God’s names without proper intent [i.e., keeping God’s holiness in mind as the name was written], they [the scribe’s writings] are disqualified.”¹³ Clearly, it is proper to question the intent of a scribe who will manufacture tefillin he himself considers unacceptable to wear.

This situation is further complicated by the fact that most of the *klaf* written *mashuah* are not checked after they have been written. This does not mean to imply there are soferim who write *mashuah* who are not serious and conscientious about their work. Some of them are very serious and have been writing this way for generations.

Spot inspections of dozens of *mashuah* tefillin by the Federation of Jewish Men’s Clubs in the past two years have regularly revealed serious discrepancies made by some scribes or representatives

of scribes with the writing. This includes strange script, poor penmanship, and misspellings. At the same time it is important to note that certain scribal families consistently maintain high scribal standards and their work is consistently free from error.

Our tradition teaches that if a child cannot distinguish one letter from another, the scroll is not considered to be acceptable. This must represent the minimum standard for a scroll to be kosher.¹⁴

Summary

It is clear that tefillin written on *mashuah* parchment should be kosher. In practice, however, three areas must be addressed: whether the letters will wear more rapidly; whether the thickness of the paste constitutes a *gvivd*; and whether the sofer writing on *mashuah* parchment had the proper knowledge and intent.

Based on the FJMC's spot-checking experience of more than two years' duration, involving both old and new tefillin, there is no evidence that the letters will wear faster if they are written on *mashuah* parchment. Letters and words can age and fade or pop-off for a number of reasons unrelated to the method of preparing the parchment, including the places where tefillin are stored, the temperature, the climate, and the structure of the *battim*.

The FJMC spot checks also found no evidence that the paste used is so thick as to constitute a *חציצה*. On the other hand, dozens of tefillin have been found during these spot checks that, even by the most liberal standards, cannot be considered acceptable.

Conclusion

Mashuah tefillin are kosher.

- A. While all writing of tefillin require care there are specific concerns which are unique to *mashuah* tefillin. However, since our primary concern is to promote greater routine use of tefillin amongst Conservative Jews, and because cost is often cited as a prohibitive factor, we permit the use of *mashuah* tefillin only upon careful inspection.
- B. *Mashuah* tefillin must be purchased only from a reliable and established source.
- C. *Mashuah* tefillin should be accepted only if written and produced by scribes who routinely check their work and provide some indication of such inspection.
- D. Congregations purchasing *mashuah* tefillin from a single scribe or scribal source in quantity for their congregants must have their rabbi or some other qualified and knowledgeable person inspect a minimum of three percent of the pairs of tefillin purchased, both of the hand and the head. If no errors are found, the entire purchase may be considered acceptable. If any one tefilla contains an error, the entire purchase must be inspected.¹⁵

NOTES

1 These are stipulated in MT Hilkhos Tefillin 1:3 ff.

2 The rules for these are set forth in MT Hilkhos Tefillin 3:1.

3 Of the 10 points enumerated by Maimonides, this is the only one about which there is a dispute regarding its status as *מסיני למשה*. Some Ashkenazic authorities do not agree. See, for example, Mishnah Berura 32:205. As a result, they would consider tefillin kosher even if the passages were not wrapped in fabric, or in parchment, which is currently the material of choice.

4 The dispute regarding the need for wrapping the passages in fabric resonates here, as well. Maimonides' rule is to tie the fabric (or parchment) with the hair; the Ashkenazic authorities who disagree with the need for the covering

rule that the hair must be tied around the passages themselves. The common practice is to follow both rulings by winding the hair around the passages, covering it with the fabric (or parchment), and then winding the rest of the same hair around the covering. See, for example, Mishnah Berura 32:209.

- 5 "the sinews of an ox are preferred"); see Shulkhan Arukh, Orakh Hayyim 32:49. The sinews should not come from a fowl, however, בעינין גידין...ואנן גידין קרוי איזה מהם ("for who can tell which of them are sinews...and we need sinews"; see Mishnah Berurah 32:227).
- 6 See תפילין ומזוזות כהלכתן, by Zeev Greenwald, published by Mishe'ret Stam, Page 209-210, the section beginning with משוח קלף.
- 7 שבט סופר י"ד ה"ז; obviously, what is acceptable for a Torah scroll surely is acceptable for tefillin and mezuzot.
- 8 קול יעקב אות יג
- 9 תפילין ומזוזות כהלכתן' פרק כד' דף 210' "כשרות המשיח"
- 10 חתם-סופר בהגהה בלשכת הסופר ז' ל"ד' צוטט בתפילין ומזוזות כהלכתן' פרק כד' דף 210' "כשרות המשיח"
- 11 תפילין ומזוזות כהלכתן' פרק כד' דף 210' "נפסקים"
- 12 MT Hilkhoh Tefillin 1:11
- 13 MT Hilkhoh Tefillin 1:15.
- 14 During this period, the FJMC found only one group of scribes who regularly check their work and indicate the fact on the back of each scroll upon which they have written. These scrolls are far more legible, and almost always contain *taggim* (crowns) in the appropriate places, even though these are not mandatory for tefillin.
- 15 This is based on MT Hilchot Tefillin 2:10. Maimonides requires that only three tefillin out of a hundred (either two head and one arm, or two arm and one head) be spot-checked. (BT Eruvin 97A requires one head and one arm tefilla to be inspected.) By requiring that three percent of the *pairs* of tefillin be inspected, we are allowing for the special considerations of mashuah tefillin.