**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**TALMUDIC METHODOLOGY**

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**Shiur #10: Distinguishing Between *Parshiyot* of *Tefillin* and *Mezuza***

In general, it is not permissible to produce a document using parchment and scribal tools that includes only a **portion** of the Torah. Doing so violates the principle that Torah cannot be rendered “*megilla megilla*;” rather, at a minimum, Torah texts must be written as an entire *chumash* of the five *chumashim*. However, in the case of *tefillin* and *mezuza*, the Torah specifically warrants the manufacture of fragments, and thus no prohibition applies. This *shiur* will explore **differences** between the sections included in *tefillin* and those included in *mezuza* based on various ideas that R. Soloveitchik developed.

Script of a *sefer* *Torah* must be accompanied by *sirtut* - carved out lines framing the actual text. The *gemara* in *Menachot* (32b) distinguishes between a *mezuza*, which requires *sirtut* like a *sefer* *Torah*, and *parshiyot* of *tefillin*, which do not. The *gemara* does not provide a reason for this distinction, and it appears as if the source is a *Halakha Le-Moshe Mi-Sinai.*

The Rambam (*Hilkhot Tefillin Ve-mezuza* 1:12) exempts *tefillin* from *sirtut* because the texts are covered (*mechupin*). Rav Soloveitchik presented three different manners of understanding this exemption of *tefillin* from *sirtut* based on the fact that the texts are “housed in the *tefillin* boxes.”

According to one approach, *sirtut* is only necessary when the writing conveys the **ultimate** status to the text, as it does for a *sefer Torah* and *mezuza*. *Tefillin*, in contrast, has an additional, unique level of *kedusha*, aside from that stemming from the texts that it contains. After all the boxes, straps, and sinews are not text, yet they possess *kedushat tefillin*. Evidently, *tefillin* possess two very different types of *kedusha*: the basic one, which stems from the actual text, similar to a *mezua*, and a “non-textual” *kedusha* of *tefillin* that it receives once the texts are inserted into the *tefillin* boxes. Since the text composition does not entail the final *kedusha* status, no *sirtut* is necessary. (See <http://etzion.org.il/en/sirtut> for a broader elaboration of *sirtut.*)

There are two additional discrepancies between *tefillin* texts and *mezuza* texts that may stem from this additional layer of *kedusha* that *tefillin* enjoys and *mezuza* does not. First, the Rambam rules that *tefillin* parchments must be crafted with *lishma* intent (cognitive intent to create *tefillin* parchment), whereas this is not necessary for *mezuza* parchments. Perhaps the extra **intent** necessary for *tefillin* parchment installs the added layer of *kedusha*. Since *mezuza* does not possess any additional *kedusha* beyond its basic text, it does not require *ibud lishma*, preparing the parchment with *lishma* intent.

Second, the *tefillin* and *mezuza* differ regarding whichparchments may be used. Ideally, a *sefer* *Torah* is written on the inside of an animals’ hide, known as *gvil*. A *mezuza* is written on *duchsustus*, the outside of a hide that has been cleaved in half. *Tefillin* is written on the inner part of that sliced hide, known as *klaf*. This reflects the ideal of *le-khatchila* situation; *be-dieved*, in the absence of a split hide, a *mezuza* may be written on the complete hide or *gvil* (*Shabbat* 79). *Tefillin*, however, cannot be written on *gvil*, even in the absence of a split hide. This may further reflect the correspondence between *mezuza* and a *sefer* *Torah*. Each is purely a text; thus, a *mezuza* may resemble a *sefer* *Torah* and be written on *gvil* normally reserved for a *sefer* *Torah*. By contrast, *tefillin* will absorb an upgraded *kedusha* when inserted into its housing. It cannot be fashioned in a manner that evokes a *sefer* *Torah*, whose *kedusha* is **complete** at the textual level. Thus, *tefillin* cannot be fashioned upon *gvil*, because it would too closely resemble a *sefer* *Torah*.

A second reason for obviating the need for *sirtut* for *tefillin* and demanding it for *mezuza* may stem from the difference in the textual fragments themselves. Aside from the fact that *tefillin* will receive an upgraded *kedusha*, the textual fragments themselves may be defined differently. This difference can be discerned in the actual format of the texts. Sections in the Torah are separated by a space of at least nine empty letters. If this space occurs midline, in between texts on either end, the *parasha* is known as a *setuma* (closed). If the empty space occurs at the beginning or end of a line, the preceding *parasha* is known as *petucha* (open). How should the junctures between the two *parshiyot* of *mezuza* and the four *parshiyot* of *tefillin* be styled? Should the *parshiyot* be separated in a *petucha*/open fashion or a *setuma*/closed fashion?

The *gemara* debates the junctures of *mezuza* and rules that the two sections should be written in a *setuma* fashion. However, if they are written as *petucha*, the *parshiyot* are still valid. Although the *gemara* does not discuss the style of *tefillin* *parshiyot*, the Ramban (*Hilkhot Tefilin Ve-mezuza* 2:2) rules that the first three sections should be written as *petucha*, while the final one should be written as a *setuma*. In the instance of *tefillin*, the styles must be maintained; if the sections are written differently, the *parshiyot* are invalid.

Perhaps this indicates that the fragments of a *mezuza* are **direct excerpts**of the Torah and do not combine to form a new text/narrative. Hence, there is no autonomous stream or flow of the texts, and their junctures can be rendered in multiple ways. Since the *parshiyot* of *Shema* and *Ve-Haya im Shamo’a* are not adjacent in the Torah, there is no juncture style that must be absolutely maintained.

By contrast, *tefillin* contain not simply reproduced text, but excerpted texts that recombine in the *tefillin* housing to tell a *tefillin-*specific story. Proof that *tefillin* does not merely reproduce Biblical fragments but excerpts them as part of a new *tefillin-*based story can be seen in the debate between Rashi and Rabbeinu Tam as to the sequence of the sections. Rabbeinu Tam departs from the Torah’s sequence by placing the section of *Ve-Haya im Shamo’a* immediately after the section of *Ve-Haya ki Yeviacha*,even though in the Torah the *Ve-Haya* *im shamo’a* section follows the section of *Shema Yisrael*. Evidently, the *tefillin* possess an inherent narrative that is served by the unique styling of the junctures. If the style of these junctures is altered, the story changes and the *tefillin* are *pasul*. Since *mezuza* is merely an excerpt of the Torah, it contains no independent story and its juncture style is not imperative.

In a similar vein, since the *mezuza* is merely a reproduction of a *sefer Torah*, it should contain *sirtut* in the very same manner that a *sefer* *Torah* does. By contrast, since *tefillin* are not merely reproductions of a *sefer* *Torah*, but rather contain excerpted text recombining into a new text, *sirtut* should not be included, since that would suggest reproduction of a *sefer* *Torah.*

A third manner of analyzing the *sirtut* difference between *mezuza* and *tefillin* stems from the difference in **readability**. Ideally, written Torah cannot be rendered in partial form, nor can the written word be read from a non-halakhic text. Originally, the only texts from which Written Torah could be read were actual *sifrei* *Torah* or other allowable forms of rendered which classifies as *Torah* *She-Bikhtav*. The *gemara* in *Gittin* (60b) records that these guidelines were ultimately blurred, and written text can be read from non-halakhically rendered texts (just as oral law can be committed to writing).

Without question, *mezuza* and *tefillin* may be produced even though they each contain mere fragments. Were it not for the special *mitzvot*, however, these respective texts would not be considered halakhically rendered *Torah* *She-Bikhtav*, and reading from them would be forbidden.

Having sanctioned these respective renderings, does the Torah render these texts that also allow reading (under the original condition in which written Torah could not be read from non-halakhically rendered texts)? Perhaps *tefillin* and *mezuza* differ in this respect. Since *mezuza* is not housed in anything, it is theoretically possible to read from its texts. The housing of a *mezuza* is not fundamental, but merely practical – to protect the quality of the parchment against weather and corrosion. By contrast, *tefillin* are housed (as the Rambam emphasizes), and this housing does not easily allow reading. Since *mezuza* is meant to be read, it requires *sirtut* to ensure **legible writing** that can then be read. In contrast, *tefillin* is not meant to be read (since it is housed), and no *sirtut* is necessary.

This final difference between *tefillin* *parshiyot* and *mezuza* *parshiyot* is reinforced by the manner in which the rolling and fastening of these *parshiyot* is described. The Rambam (*Hilkhot Tefillin Ve-Mezuza* 3:1) attributes the rolling and fastening of *tefillin parshiyot* as part of the overall *Halakha Le-Moshe Mi-Sinai* detailing the manufacture of *tefillin* *parshiyot*. By contrast, he describes the *mezuza* rolling process in purely pragmatic terms, geared towards protecting the scrolls themselves (ibid. 5:6).

Further indication that the rolling of *mezuza* scrolls is purely practical is the possibility of writing a *mezuza* on a stone, which is seriously debated by the *gemara* in *Menachot* (34a). Clearly, stones cannot be rolled; the very consideration to draft a *mezuza* text upon a stone proves that there is no inherent need to roll a *mezuza*; the rolling and fastening is simply a protective measure. Ideally, *mezuza* texts should be visible and should enable reading by passersby.

*Tefillin* is different. Its texts are meant to be rolled, as reading-enabling is not an inherent part of the mitzva. After all, these texts are inserted into housing that will prevent easy reading. Since *tefillin* are not meant to be read, no *sirtut* is necessary to enhance the text and facilitate reading. *Mezuza*, which is meant (theoretically) to be read, must include *sirtut*.