

תנא דבי אליהו, כל השונה הלכות בכל יום מובטח לו שהוא בן העולם הבא

IT WAS TAUGHT IN THE ACADEMY OF ELIYAHU, WHOEVER STUDIES TORAH LAWS  
EVERY DAY IS ASSURED THAT HE WILL BE PRESENT IN THE 'WORLD TO COME'

### *Chapter 3 , Question 2*

#### *What is the correct way of fulfilling the mitzvah of Rabbeinu Tam Tefillin?*

Tefillin; no doubt one of the most precious of the mitzvot, incumbent upon every Jewish adult male to fulfil. For those who are seeking cold logic and reason in their service of the Almighty, they will not find it in this particular mitzvah. The daily commandment to wear Tefillin (phylacteries) is considered to be a "**Hok**" - a statute, i.e. that which is unfathomable by the human mind. In line with the nature of many of the Torah's mitzvot, we find that Tefillin is a very 'physical mitzvah'. Its particulars are exceptionally detailed and governed by hundreds of intricate halachot regarding how make the Tefillin, as well as how to adorn them. Four sections from the Torah written with black ink on kosher animal skin parchment; Each parchment inserted into a single piece of animal hide, skillfully moulded to contain four cavities, forming an outer black square box; Black leather straps running through the boxes, securing the Tefillin and its straps onto the head, arm and middle finger during prayer. It is a real wonder how we have managed to persist in the fulfillment of this atypical commandment throughout so many centuries of harsh exile and philosophical persecution. Jewish men clearly identify strongly with the mitzvah Tefillin. It is our medium through which we 'plug in' and connect with our Creator. If only we could grasp the true essence of this profound mitzvah.

Would it come as a shock to hear a school of thought echoing that... "the majority of Orthodox Jewish men have never fulfilled the mitzvah of Tefillin before in their lives!?" Could anyone imagine such a claim? Many are aware that there are two types of Tefillin that are worn in our generation - namely the **Tefillin of Rashi** and the **Tefillin of Rabbeinu Tam**. The school of thought mentioned above indeed claims that only one of them are correct!

As mentioned, Tefillin is divided into four sections, each containing its own Biblical passage of which the commandment to wear Tefillin is mentioned. The order of these passages as they occur in the Torah is: “*Kadesh Li*” (Shemot 13:1-10), “*Vehaya Ki Yevi'acha*” (Shemot 13:11-16), “*Shema*” (Devarim 6:4-9) and “*Vehaya Im Shamo'a*” (Devarim 11:13-21). There is no disagreement as to which Torah passages are contained therein, but there is an ancient difference of opinion regarding the order in which the passages from the Torah are inserted into the batim (boxes).

The Talmud in tractate **Menahot**<sup>1</sup> teaches us the order in which the four passages should be arranged:

**ת"ר כיצד סדרן? קדש לי והיה כי יביאך מימין, שמע והי' אם שמוע משמאל**

*Our Rabbis taught how are they (the passages) arranged?*

*Kadesh Li and Vehaya Ki Yevi'acha on the right.*

*Shema and Vehaya Im Shemoa on the left.*

A strong dispute then arises between Rashi and Rabbeinu Tam - the two great medieval commentators on the Talmud. According to **Rashi**<sup>2</sup> (Rabbi Shlomo Itzhaki - France, 1040-1105), the passages must be aligned in the order they are written in the Torah. Therefore the passage of *Shema* is positioned on the left, as clearly stated in the Talmud above, but it precedes that of *Vehaya Im Shemoa*, both in the Tefillin worn on the head and on the arm. According to **Rabbeinu Tam** (HaRav Yaakov ben Meir, France - 1100 - 1171), who was one of the early Ba'alei HaTosefot and Rashi's own grandson, the order is reversed in a manner that would leave the two passages beginning with *Vehaya* in the middle - a term called ‘*Havayot Lehadedi*’ in Aramaic. The order of the passages according to both opinions can be more easily understood from the table below:

Rashi	<b>והיה אם שמוע</b>	שמע ישראל	<b>והיה כי יביאך</b>	קדש לי
Rabbeinu Tam	שמע ישראל	<b>והיה אם שמוע</b>	<b>והיה כי יביאך</b>	קדש לי

1. מנחות דף לד:.
2. שם ד"ה מי שאינו.

The potential outcome of such a debate can be quite problematic. According to Rashi, Rabbeinu Tam's tefillin is completely *pasul* (invalid), inasmuch as one would not be fulfilling the mitzvah by wearing this type of Tefillin. Rabbeinu Tam would have had the same view of Rashi's version of Tefillin. This is the reason why so many people wear both types of Tefillin today, in order to fulfil the mitzvah according to both opinions.

It is interesting to observe that in the Talmud we may often find many differing opinions amongst the Sages on how certain mitzvot are fulfilled and, nevertheless, the halacha or minhag is usually established only according to one of those opinions. However, when it comes to the mitzvah of Tefillin we see that more and more people are particular to wear both types, in order to fulfill the mitzvah according to both opinions. Why is this so?

The reason is rooted in the immense importance of this mitzvah. A Jewish man's obligation to wear Tefillin is so fundamental that the Talmud in tractate **Rosh Hashanah**<sup>3</sup> reveals to us a severe consequence - a curse (Heaven forbid!), that befalls a man who fails to adorn Tefillin. Says the Talmud;

**פושעי ישראל בגופן מאי ניהו ? אמר רב, קרקפתא דלא מנח תפילין.**

*[The title of] "Rebels of Israel with their bodies" - who are they?*

*Rav answers, 'A skull that does not wear Tefillin!'*

We mentioned that these two types of Tefillin are named after "Rashi" and "Rabbeinu Tam." This is only because the essence of the debate was captured by these two Rishonim on the same page of the Talmud. However, Rabbeinu Tam<sup>4</sup> writes clearly that the order of the four passages of Tefillin was actually debated hundreds of years beforehand, between the **Mechilta**<sup>5</sup> and the **Talmud Yerushalmi**.<sup>6</sup> The Mechilta is a halachic medrash dating back to just before the period of the Ge'onim and it clearly sides with Rash's version of Tefillin. The Talmud Yerushalmi, however, describes Tefillin like that of Rabbeinu Tam. In order to reconcile the difference of opinion, the **Rosh** (Rabbeinu Asher of Germany, 1250 - 1327) suggests the following solution:<sup>7</sup>

3. דף יז וע"ע בבא"ח וירא א

4. במנחות שם ד"ה והקורא

5. סוף פרשת בא מובא בתוספות שם

6. מסכת קדשים מובא בספר יצירה של הראב"ד

ולפי שנחלקו בדבר זה גאוני עולם ותפילין של אלו פסולין לאלו,  
 ואמרו חכמים מקום יש בראש להניח שם ב' תפילין וכן בזרוע,  
ירא שמים יצא ידי שניהם ויעשה שני זוגי תפילין ויניח שניהם.

*And since this is a matter that has been debated by 'Giants of the World' and one version of Tefillin is invalid according to the other, and the Sages<sup>8</sup> have said **there is room on the head to adorn two Tefillin** and so too on the arm, **one who fears Heaven** should fulfill both of them and should make two pairs of Tefillin and **adorn both of them!***

There is a lot of valuable information given over by the **Rosh** in this single sentence. Firstly, according to the Rosh it is **unknown** which version of Tefillin is the correct version, which is the reason why he rules that those "who fear Heaven" should fulfill the mitzvah by wearing both pairs of Tefillin. Secondly, the Rosh refers to the well known Talmud in tractate Eruvin,<sup>9</sup> which reveals that there is **enough room** on a person's head and arm to adorn two boxes of Tefillin. Thirdly, the Rosh informs us that if one does want to fulfill both opinions, then one should wear the Rabbeinu Tam's Tefillin **together** with the Tefillin of Rashi during prayer, i.e. not one after the other.

Unlike the Rosh, the **Rambam** (Maimonides, Egypt 1125-1204) rules only according to Rashi's version of Tefillin.<sup>10</sup> Therefore, when it came to the conclusion of the **Shulhan Aruch** on this subject we find that Maran (HaRav Yosef Caro, Sefat 1488-1575) makes the following halachic law in order to respect both opinions. He initially requires that every adult Jewish male should wear Rashi's version of Tefillin, in accordance with the Rambam. It is therefore the custom today that a boy at the age of bar-mitzvah wears the Tefillin of Rashi, as expressed in the Shulhan Aruch:<sup>11</sup>

**סדר הנחתן בבתי לרש"י והרמב"ם....**

**והמנהג העולם כרש"י והרמב"ם**

*The order of adorning Tefillin is according to Rashi and the Rambam.*

*And the custom of the world is like Rashi and the Rambam.*

7. שם בהלכות תפילין סימן ה, ד"ה גרסינן

8. גמ' עירובין צה:

9. שם

10. תפילין פרק ג, הלכה ה.

11. סימן לד'.

We then find in the Shulhan Aruch that Maran also respects the opinion of the Rosh and first recommends that one who fears Hashem should wear both Rashi and Rabbeinu Tam Tefillin together, in order to fulfil both opinions:<sup>12</sup>

**ירא שמים יצא ידי שניהם ויעשה שתי זוגות תפילין ויניח שניהם, ויכוין בהנחתם באותם שהם אליבא דהלכתא "אני יוצא ידי חובתי והשאר הם כרצואות בעלמא",**  
**כי מקום יש בראש להניח שתי תפילין וכן בזרוע.**

*One who fears Heaven should fulfil [the mitzvah through] both of them and should make two pairs of Tefillin and wear both of them, and whilst wearing them he should have [the following] in mind about the pair of Tefillin which are [correct] according to the halacha; "I am hereby fulfilling my obligation and the rest [i.e. the other pair] are simply straps of leather," for there is enough room on the head and the arm for two Tefillin.*

We see from the above ruling that Maran, like the Rosh, requires a person to wear the Tefillin of Rabbeinu Tam together with the Tefillin of Rashi. Maran's next halacha on this subject brings to light an interesting aspect to our discussion:

**ואם אינו יודע לכוין המקום ולהניח שניהם יחד, יניח כדברי האחד...**

*And if one does not know how to align [both Tefillin in] the place and to wear both of them together, then one can wear one [pair only].*

The Shulhan Aruch clearly does allow these two types of Tefillin to be worn separately, but only in a case where the Tefillin are made too large and cannot be worn together. This was the opinion of the HaRav Moshe Mekotzi, more commonly known as the "Smag", who was one of the Ba'alei HaTosefot (14th century France). It is therefore the common practice for men in most Ashkenazi communities to wear Rabbeinu Tam Tefillin separately after the Shaharit service, i.e. after removing their Tefillin of Rashi. This is also the ruling of the late Sephardi Gadol Hador, **HaRav Ovadia Yosef zt'l**.<sup>13</sup> The main reason for this leniency is because during the centuries after the Shulhan Aruch was written, Tefillin boxes were being made larger and larger, making them too large to adorn two at the same time. This was likely due to sofrim (scribes) finding it easier to write on

12. שם סע' ב.

13. יביע אומר חלק א, סימן ג.

bigger parchment, as well as it being easier to handle larger material to make the batim. Today, however, there are many expert sofrim who are able to make smaller boxes of Tefillin to be worn together and the custom to wear them together is once again flourishing in Sephardi Jewry. One of the main issues of wearing Tefillin of Rabbeinu Tam separately is that it would not ultimately be worn during the recital of the main Kriyat Shema prayer of the Shaharit service. Therefore, such a person would be missing out on fulfilling the mitzvah of wearing Rabbeinu Tam Tefillin in the correct manner.

We have already seen the Rosh and Shulhan Aruch confirm that there is enough room on the arm and head to adorn two pairs of Tefillin. The Shulhan Aruch does in fact give us a detailed description of the exact areas on a person's arm and head to position Tefillin:<sup>14</sup>

מקום הנחתן של יד בזרוע שמאל בבשר התפוח שבעצם שמין הקובד"ו ובית בשחי...

מקום הנחת תפלה של ראש מתחלת עיקרי השער ממצחו עד סוף המקום שמוחו של תינוק רופס.

*The place for adorning the [Tefillin] of the arm is on the upper left arm, on the raised muscle area which [begins] from the elbow until the arm-pit.*

*The place for adorning the [Tefillin] of the head is from the beginning of the hair-line until the end of the place where the skull of a baby is soft.*

The language that Maran uses to describe the position to place Tefillin on the arm (i.e. "on the raised muscle from the elbow until the armpit") has been open to various interpretations. However, along came the great **Vilna Gaon** (HaRav Eliyahu ben Shlomo Zalman Kremer of Lithuania, 1720-1797) who was probably the most influential Ashkenazi Torah leader of modern history, who confirmed that the Shulhan Aruch is obviously referring to the whole muscle area on the upper arm being "kosher" for adorning Tefillin.<sup>15</sup> The **Ben Ish Hai** of Baghdad, who was the leader of Sephardi Jewry in the 18th/19th century, made the famous halachic ruling that one who wears two pairs of Tefillin together can rely on the opinion of the Vilna Gaon in this regard.<sup>16</sup>

14. סימן כז, סעי' א, ט.

15. דמקור הרמ"א בס"א הוא בהגהת הסמ"ק שכן הבין מהשימוש רבא לשון "פלג הזרוע", אמנם הגר"א ביאר דפלאג אין הכוונה חצי אלא חלק וכן משמע מהגמ', והרמב"ם כתב להניח במקום תפוח ולא התנה שצריך שיהיה בסמוך לקובדו וכן שאר הראשונים וגם מרן בשו"ע לא הביא הגהת הסמ"ק בס"א ששם ביאר היכן להניח ואם ס"ל כהסמ"ק היה צריך לפרש שם ולא להתין עד ס"ג ולהביאו בדרך אגב וי"ל.

16. פרשת חיי שרה אות ו וע"ע שו"ת וישב הים חלק ב סימן ג, וגם בספר מקור נאמן סימן עא כתב הרב מאזוז שליט"א. שם שמנהג הספרדים כדעת הגר"א בזה.

Back to the Shulhan Aruch and Maran's next halacha on Rabbeinu Tam Tefillin.

We quoted the Shulhan Aruch earlier saying that one who 'fears Heaven' should try to wear both Rashi and Rabbeinu Tam Tefillin together. We would hope that most Jewish men fall into the category of "fearers of Heaven" and would ensure they are fulfilling this important mitzvah according to both opinions. We then find that Maran throws in an important caveat on one who chooses to wear Rabbeinu Tam Tefillin:<sup>17</sup>

**לא יעשה כן אלא מי שמוחזק ומפורסם בחסידות.**

*One should not do so unless one is publicly known to be extremely pious!*

Why did the Shulhan Aruch make such a stringent condition on a person who wishes to wear Rabbeinu Tam? This ruling is actually the opinion of a 14th century German halachic authority called the **Maharil** (HaRav Yaakov ben Moshe Levi Moelin, 1365-1427). The Maharil was concerned that a person who wears Rabbeinu Tam Tefillin could be seen as transgressing the distasteful issue of "**yuhara**" - a title given to one who openly observes halachic stringencies or different minhagim and stands out by doing so. The obvious question we have now is that today the custom to wear Rabbeinu Tam Tefillin has become widespread amongst nearly all Orthodox communities and especially so in the Sephardi kehilot. What happened to the Shulhan Aruch's warning? Can all these individuals who wear Rabbeinu Tam Tefillin really declare that they are extremely pious?

So far we have quoted the Rambam, Rashi, Rabbeinu Tam, Rosh, Smag, Maharil, Shulhan Aruch, Vilna Gaon, etc. According to all these opinions only one version of Tefillin are correct, whereas the other is pasul. Therefore a person who wears Rabbeinu Tam Tefillin out of doubt is of-course doing a public action that is above the letter of the law. Such a person, according to the Maharil and Shulhan Aruch, would need to be a very pious individual to take on such a stringency in the eyes of the public. However, there is another important halachic opinion that is not concerned with the warning given by the Maharil and Shulhan Aruch above. In order to appreciate the depths of this 'other opinion' we will need to take the contents of our discussion to completely different level of understanding this precious mitzvah . . .

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שם סע' ג. 17.

We now come to the opinion of the **Holy Zohar** and the **Ari z'l** on this subject. Surprisingly, we find that the Zohar makes clear reference to both versions of our Tefillin in parshat Pinhas<sup>18</sup> and also confirms לאנחא אתר לאנחא תרי זוגי דתפילי "that there is room on the head to adorn two pairs of Tefillin." **Rebbi Shimon bar Yohai** (the great Talmudic Sage and author of the Zohar) then makes a sweeping statement against the opinion of the other Sages of his time, in another section of the Zohar:<sup>19</sup>

ובגין דלא בקיאין אלן דדרא בתראה שוין תרי זוגי דתפילין מספקא,  
דלא ידעין ברזא דא דתרוייהו איצטריכו.

*And because the later generations are **not aware**, they wear two pairs out of doubt, as they do not know **both of them are necessary** [for prayer].*

It is clearly evident, according to the Zohar, that those halachic authorities who believe that only one version of Tefillin is correct are mistaken and were obviously not exposed to the deeper Kabbalistic aspects of this mitzvah. The Holy Ari z'l therefore wore both pairs of Tefillin together and stated unequivocally that this is the correct manner in which Rabbeinu Tam should be worn. HaRav Haim Vital records the opinion of the Ari z'l in detail in his sefer Sha'ar HaKavanot:<sup>20</sup>

דע כי מורי [האר"י] ז"ל היה מניח תפילין דרש"י ודר"ת ביחד ומתפלל בהם תפלתו בשחרית . . .

כי מקום יש בראש להניח בו שני זוגות . . .

ובזה נבין דרש"י ור"ת לא פליגי, ושני הסברות הם דברי אלהים חיים, שלא כדברי החושבים

שסברא אחת היא האמת, והאחרת בטילה, חלילה מלהאמין דבר זה.

*Know this, that my teacher (the Ari z'l) would adorn Tefillin of Rashi and of Rabbeinu Tam **together** and would pray with them his Shaharit prayers, for there is enough room on the head to adorn two pairs... And with this we can understand that Rashi and Rabbeinu Tam are not arguing and **both these opinions are words of the Living G-d**, as opposed to the words of those who think that only one opinion is correct and the other is invalid - it is **sacrilege** to believe such a thing!*

18. דף רנח, ע"א.

19. תיקוני זוהר חדש, דפוס קושטא שנת ת"ק דף קמ"א סוף ע"ד.

20. דרוש ו' דתפילין, דף י' ע"ד.



According to the Kabbalah, both the Tefillin of Rashi and Tefillin of Rabbeinu Tam are genuine and correct. They are therefore both needed for prayer and should be worn together. We should also acknowledge the harsh use of language used by the Ari z'l to describe those who make the mistake in believing that only one pair is correct. So according to the Ari z'l a person does not need to be a pious individual if he chooses to wear both pairs of Tefillin together, as this is exactly what the halacha requires of him!

The Ari z'l continues to explain a profound idea regarding the deeper reason why we have two pairs of Tefillin.<sup>21</sup> He reveals that Rabbeinu Tam Tefillin corresponds to a spiritual realm called "**Abbah**" ('Father') and the Tefillin of Rashi corresponds to the realm of "**Imma**" ('Mother'). It is not our area to delve into these concepts too deeply, but in a nutshell the Ari z'l explains how these two realms are like two halves of a single spiritual reality that must be created by the two pairs of Tefillin coming together and forming a **Zivug** ('union'), which is achieved only by wearing them together in Shacharit prayers.

It is truly fascinating to get a glimpse into the spiritual depth of this mitzvah and how it can be fulfilled in the proper way, according to the Kabbalah. One can imagine now how detrimental it could be, on a deeper level, if one wore Rabbeinu Tam Tefillin separately. In fact, Rabbi Natan Shapira, who was a great 17th century Ashkenazi Kabbalist and amongst the students of the Ari z'l, wrote a severe warning in his sefer called **Matzat Shimurim** to those who adorn Rabbeinu Tam Tefillin alone:<sup>22</sup>

והנה אליבא דהילכתא דאיצטריך להניח תרוייהו ביחד רש"י ור"ת, ומי שאינו מניחם יחדיו  
כאילו לא קיים מצות תפילין כל ימיו . . . לכן אסור להניח מתחילה תפילין של רש"י . . .  
ואחר התפלה יניח ר"ת . . . כי זה אסור בודאי וכו'

*And behold, according to the halacha that one has to adorn Rashi and Rabbeinu Tam together, and one who does not adorn them together it is as if he has not fulfilled the mitzvah of Tefillin all his days!... Therefore it is forbidden to adorn the Tefillin of Rashi first... and after the prayers adorn Rabbeinu Tam... For that is of-course forbidden...!*

21. שם

22. בדף ס"א ריש ע"ב.

HaRav Avraham Tubiana, a Sephardi Kabbalist from 18th century Mantova (Italy) gives us more of a harsh insight into this prohibition in his holy siddur called **Hessed l'Avraham**.<sup>23</sup> He quotes the frightening words from the **Zohar** in Vayikra,<sup>24</sup> which writes that the spiritual realms of "Abba" and "Imma" must never be separated and if one did so he may forfeit his share in the World to Come (Heaven forbid!). HaRav Tubiana then elaborates further:

ומאחר שתפילין דר"ת הם מוחין דאבא, ותפילין דרש"י הם דאימא,

צריך להזהר שלא להפרידם ח"ו, ויעשה פגם גדול...

*And since Tefillin of Rabbeinu Tam is from the realm of 'Abba' and Tefillin of Rashi is from 'Imma' one has to be careful not to separate them, as he would create a great spiritual blemish.*

It has therefore always been the custom in most Sephardi communities all over the world to wear Rabbeinu Tam Tefillin together with Rashi throughout the Shaharit prayer service and not one after the other. This was the ruling of the **Hida**,<sup>25</sup> the **Ben Ish Hai**, the **Kaf HaHaim**,<sup>26</sup> **HaRav Benzion Abba Shaul zt'l**,<sup>27</sup> **HaRav Mordechai Eliyahu zt'l**<sup>28</sup> (the former Sephardi Chief Rabbi of Israel) and all the Sephardi halachic authorities who follow the Kabbalistic teachings of the Holy Ari z'l.

It is interesting to see the **Ben Ish Hai**'s powerful words on this subject:<sup>29</sup>

והנה בתחלה היו חושבין מחלקת זו כשאר מחלקת, שסברה אחת בטלה, אך בא רבנו האר"י ז"ל והגיד בקבלה מפי אליהו זכור לטוב, ששני הסברות אמת, וצריך למעבד תרווייהו, ומימות

משה רבנו ע"ה ועד הגאונים היו מניחים שני זוגות...

ולא כאותם שמניחין של רש"י לחוד ושל ר"ת לחוד.

*And behold, initially they thought this debate was like other halachic debates, where one opinion is invalid. However, came our Rabbi, the Ari z'l and told us from the mouth of*

23. בחלק בית תפלה עמוד מ'.

24. דף ד, ע"א.

25. מחזיק ברכה, סימן לד.

26. קול יעקב, סימן לד, אות ד.

27. חלק ב, דף לו.

28. ספר הלכה, פרק ח, אות לט.

29. פרשת וירא, אות כא.

*Eliyahu [HaNavi] z"l that both opinions are true and one has to adorn both of them and since the days of Moshe Rabbeinu until the period of the Ge'onim they used to wear two pairs. . . And not like those who wear Rashi separately and Rabbeinu Tam separately.*

The Ben Ish Hai also reveals to us a novelty in his sefer **Ben Yehoyada**, a commentary on the Talmud, where he explains that in ancient times King David would take off his special crown for the Shaharit prayers in order to be able to adorn both pairs of Tefillin.<sup>30</sup>

In conclusion, it has been confirmed time and time again that the custom of Sephardi communities was always to wear the Tefillin of Rabbeinu Tam together with that of Rashi and throughout the Shaharit prayer service, according to the opinion of the Shulhan Aruch, the Ari z'l, the Ben Ish Hai, etc. Those who choose to wear them together should have in mind that both pairs of Tefillin are halachically correct. One should make sure that both pairs of Tefillin are small enough to be worn together, i.e. not longer than 8 cm when placed together. Those who choose to wear Rabbeinu Tam separately after the Shaharit prayer service have the *Pashtanim* (non-Kabbalistic halachic authorities) to rely on, but they should make note of the following issues they would be facing by doing so: a) They will be losing out on the mitzvah of wearing Rabbeinu Tam Tefillin for the main Kriyat Shema prayer. b) Such an action is considered to be spiritually detrimental according to the opinion of the Kabbalists. c) The wearing Rabbeinu Tam separately, and therefore in accordance to with the opinion of the Shulhan Aruch, is more or less a public declaration that you are an individual who is extremely pious.

For those who would like to read further on this subject, please refer to a sefer called **Vayashov HaYam** (Vol. 2, Question 3) by HaRav Ya'akov Hillel שליט"א.

### **Rabbi Yosef Haim David**

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30. על מסכת עבודה זרה דף מד.