

## *Is Parchment Klaf? The Halakhic Status of Contemporary STaM*

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Scrolls in Judaism are not simply a means to record a text. Tefillin and Mezuzot are tangible signs of our relationship with God, and the exacting standards of Torah Scrolls ensure the accurate transmission of the divine word throughout the generations. Observant Jews expend tremendous effort to ensure that their STaM (Sifrei Torah, Tefillin, and Mezuzot) comply with every last detail of religious law. Most, however, are unaware of a raging controversy surrounding one of the most fundamental criteria for their ritual acceptability: the proper preparation of the animal hides upon which they must be written.

The surprising fact is that such skin is currently processed and split in a manner significantly different from how it was done in Talmudic times. The halakhic validity of these changes engendered much discussion in the *poskim*, which has been largely forgotten or misunderstood nowadays. In this article, we will discuss the history of these developments and explore the feasibility of restoring the Talmudic method for use in STaM today.

### **The Tanning Procedure**

The Talmud (Shabbat 79a) states that there are three stages of processing skin: salting (מליח), flouring (קמיה), and tanning with gallnuts (עפיץ).<sup>1</sup> Un-processed skin (rawhide) is called *mazah*, salted skin is called *hippah*, and salted and floured skin is called *diphthera* (cf. Greek δυφθέρα). The clear implication of the Talmudic discussion is that these types of skin may not be used in STaM, which require the final procedure with gallnuts.<sup>2</sup> Indeed,

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<sup>1</sup> Gallnuts are growths on plants (generally round) that are a response to the presence of an insect or microorganism. For more details see <en.wikipedia.org/wiki/Gall>.

<sup>2</sup> See also Mishnah, Megillah 2:2. Such is the overwhelming consensus of the Poskim, against the suggestion in *Mahzor Vitri* 617 that *diphthera* is actually kosher.

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the action of gallnuts is much more significant than that of salt and flour—the tannic acid found therein effects an irreversible tanning of the skin, changing the chemical structure, removing the gelatin, and rendering it water-resistant like the leather of shoes and gloves.

Nowadays, however, we are unfamiliar with the use of truly tanned skin for S'TaM. The material currently in vogue is parchment, which is made with a much simpler and cheaper process—soaking the skin in a lime wash as a preservative, then stretching the skin on a frame and pressing out the water. Once dried, the skin acquires a white, smooth veneer that is actually much better suited to writing on than tanned skin. However, limed skin is less durable. If exposed to water, the lime will wash away and the skin will return to its raw, translucent state.<sup>3</sup>

In contemporary times (at least before the founding of the State of Israel), only Middle Eastern communities continued to write Torah (and Esther) Scrolls, and to a lesser extent Mezuzot, on fully tanned leather. All communities wrote tefillin, and most wrote all ritual scrolls, on parchment. How could it possibly have come about that such a large portion of the Jewish world would ignore the basic requirement that skin used for S'TaM be tanned with gallnuts?

According to Pirkoi ben Bavoi, a student of the Babylonian academies in the ninth century, the Jews of the land of Israel had already been using parchment for some time:

They only became accustomed to writing on parchment recently as a custom brought about by persecution [*shmad*], since the Kingdom of Edom [Byzantine Empire] declared a *shmad* on the land of Israel that they should not read the Torah, and they hid away all the Torah scrolls because [the gentiles] used to burn them. And when the Arabs came [and conquered the land] they had no Torah scrolls, and they had no scribes who had a practical tradition of which side of the skin

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The statement *הא דאפיצן הא דלא אפיצן* “one is tanned with gallnuts and one is not” (Menaḥot 31b) seems to indicate that there is a possibility of a non-tanned Sefer Torah, but this may refer to another tanning substance (Ramban, Shabbat 79b) or old scrolls whose tanning has faded somewhat (Rambam, MT Tefillin 9:15). Of course, the proponents of parchment bring this statement as a proof to their opinion.

<sup>3</sup> On the chemistry of the various tanning methods, see chapter 2 of the extensive monograph *Sugyat Ha-Klaf* by Rabbi Michael Hīmi, available at <klaf1.com/PAGE1.asp>.

to tan and upon which to write, so they purchased parchment from the gentiles.<sup>4</sup>

Although Pirkoi was a Babylonian critic of the customs of the Jews living in Israel, there does not seem to be any reason to doubt his historical claim.<sup>5</sup> The Jews began using parchment because they no longer knew how to prepare the skins themselves; they therefore turned to the surrounding nations for writing materials made from animal skin.

The Geonim, in their responsa, also dealt with what was apparently an already existing grassroots practice to use *raqq* (or *req*, plural *ruqūq*, Arabic for parchment) for sacred scrolls.<sup>6</sup> Most of the Geonim state clearly that this is not acceptable, since the skins have not undergone the appropriate tanning procedure and thus parallel *hippah* or *diphthera*.<sup>7</sup> They mention that Rav Moshe Gaon did, indeed, permit the use of parchment, but caution that his was a singular opinion to be relied upon only if the alternative were to have no ritual scrolls.<sup>8</sup>

The strongest voice in the Rishonim forbidding parchment for ritual purposes is Rambam. Rambam explains that hide used for Torah scrolls, Tefillin, and Mezuzot must be tanned with gallnuts or “similar things that strengthen and constrict the skin,” i.e., other sources of tannic acid.<sup>9</sup> Although some commentators thought that “similar things” was meant to

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<sup>4</sup> *Ginzei Schechter* vol. 2, p. 560.

<sup>5</sup> The suggestion by Prof. Louis Ginzberg (*Ginze Schechter* vol. 2, p. 529) that tanning skin for use in scrolls was only a Babylonian practice and not, in fact, required by the ancient sages of the land of Israel, seems to be a far less reasonable assumption.

<sup>6</sup> *Ozar Ha-Geonim* to Shabbat 79b.

<sup>7</sup> Rav Natronai Gaon (*Teshuvot* Y.D. 265) holds that parchment is invalid only for Torah scrolls. This parallels the practice of the Middle Eastern communities to write scrolls on leather but Tefillin on parchment. A similar sentiment is expressed by R' Yeshaya of Trani in *Sefer Ha-Makbria* (84) and *יש מפרשים* in Tosafot (Shabbat 79b s.v. קלה).

<sup>8</sup> Under the rubric of *עת לעשות לה'* (Gittin 60a), an extra-halakhic leniency designed to address an emergency situation.

<sup>9</sup> *Hilkebot Tefillin* 1:6. Ramban (Shabbat 79b) suggests the possibility that only gallnuts are halakhically acceptable, but concludes that Rabbenu Tam might be correct in allowing other good types of tanning. It seems that Ramban thought that Rabbenu Tam was referring to other types of tannic acid-containing substances, not the lime used for parchment.

include the lime wash used for making parchment,<sup>10</sup> Rambam writes explicitly in several responsa that limed *raqq* is unacceptable for the sacred scrolls.<sup>11</sup> The commentators may have been unaware that lime actually has a completely opposite chemical effect on the skin from that of gallnuts.<sup>12</sup>

The Central European Rishonim, however, did not share Rambam's opposition to parchment.<sup>13</sup> The rabbinical decisors, led by Rabbenu Tam, treated it as a *fait accompli* that Jews were using parchment for holy purposes, and attempted to justify the practice. In contrast to Rambam, they apparently felt that the key here was not tanning per se, but rather producing skin with a surface well suited to writing, or an unforgeable writing surface.<sup>14</sup>

Rabbenu Tam himself seems to have been somewhat hesitant about his lenient ruling, even openly inviting further arguments to permit it.<sup>15</sup> Nevertheless, the ruling became quite entrenched with the passage of time, until the controversy surrounding it completely disappeared. Indeed, *Shulhan Arukh* expresses no preference between "gallnuts or lime" as the tanning agent for skin used for STaM.<sup>16</sup>

In recent years, however, as our understanding of the matter has deepened, there are growing calls for the restoration of the original Talmudic method of processing hides.<sup>17</sup> In today's milieu there is increasing attention to halakhic detail and demand for *hiddurim*, especially in the area of Jewish scribal arts. It therefore seems incongruous to ignore the many

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<sup>10</sup> *Kesef Mishneh* ad loc. The argument that Rambam would accept modern parchment, which is claimed to be better made than *raqq*, is quite unconvincing. See *Gvil U-klaf* by Rabbi Iddo Albeh p. 300.

<sup>11</sup> 153, 159, 162, 289 in the Blau edition. A word is due here regarding Rambam's famous responsum allowing conducting the public Torah reading from an invalid Torah scroll (294). The invalidity of the scroll to which he refers is that it is written on parchment! Rambam brings a proof that this is acceptable due to the fact that many rabbis witnessed a public reading from a parchment scroll and did not protest. It is possible, however, that those rabbis did not protest because they held a parchment scroll to be valid (at least due to 'עת לעשות לה'), not that they allowed a public reading from an invalid scroll.

<sup>12</sup> See commentary of Rabbi Yosef Qafih ad loc.

<sup>13</sup> See the literature in *Koveẓ Shitot Kamma'e* to Shabbat 79b.

<sup>14</sup> Tosafot to Shabbat 79b and Menahot 31b s.v. **הא דאפיצן**, *Maḥzor Vitri* 617, et al. A discussion of whether today's parchment is, in fact, unforgeable is beyond the scope of this article.

<sup>15</sup> *Maḥzor Vitri* 617.

<sup>16</sup> O.H. 32:8, Y.D. 271:2. Rama Y.D. (271:3) and others actually prefer parchment for extra-halakhic reasons, such as its lighter weight.

<sup>17</sup> See <www.klaf1.com>.

great authorities who declare our ritual objects totally invalid due to their being written on parchment. Furthermore, one of the major arguments advanced by the Rishonim for permitting parchment is the lack of a viable alternative. This no longer applies, since a contingent of leatherworkers has been working on producing a quality product for today's scribes by re-application of ancient tanning methods.<sup>18</sup> Therefore, it stands to reason that contemporary Poskim should strongly encourage the restoration of tanned skin for STaM.

### The Splitting of the Skin

Before putting this idea into practice, however, we must clarify another, related aspect of Talmudic scroll production. The general use of parchment for all types of STaM obfuscated the difference between three different types of skin mentioned in the Talmud (Shabbat 79b): *gvil*, *klaf*, and *dukhsustos*, each with its own halakhic role. *Gvil* is preferred for Sifrei Torah<sup>19</sup> and *dukhsustos* for Mezuzot, although both are kosher *post facto* on all three media according to most authorities.<sup>20</sup> Tefillin, on the other hand, are much less flexible: they may be written only on *klaf*. The Talmud further states that *gvil* and *dukhsustos* are written on the outer surface closest to the hair of the animal, whereas *klaf* is written on the inner surface closer to the flesh.<sup>21</sup> We must underscore here that while the term *klaf* is used colloquially nowadays to refer to any animal skin prepared for writing, in the Talmud it is a technical term for a specific type of such skin.

The Talmud never defines *gvil*, *klaf*, and *dukhsustos* precisely. Fortunately, however, the early commentators declare virtually unanimously that *gvil* refers to the whole hide, whereas *klaf* and *dukhsustos* are the results of the hide being split into two layers. Not so fortunately, however, the

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<sup>18</sup> Since the ritual Hebrew script (especially Ashkenazic “*Ktav Beit Yosef*”) has developed for the last thousand years or so being written on the superior writing surface of parchment, it is written with many fine lines and very sharply. Part of the job of the contemporary tanner is to make a tanned surface that replicates the excellent writing surface of parchment, no small feat.

<sup>19</sup> As implied in Gittin 54b and Bava Batra 14b.

<sup>20</sup> Rambam (Tefillin 1:9), followed by *Shulhan Arukh* (Y.D. 171:3), invalidates *dukhsustos* for Torah scrolls. Ri invalidates *gvil* for Mezuzot (Tur Y.D. 288).

<sup>21</sup> *Yereim* (399) holds that we follow the minority opinion of R. Aḥa (Shabbat 79b and Menahot 32b), who dispenses with these requirements. Although all other authorities completely reject this notion, the possibility remains that this approach influenced the fact that the commonly used writing materials for STaM have often seemed to be at variance with Talmudical prescriptions.

commentators disagree about which part is which.<sup>22</sup> In general, the Sefardic Rishonim are of the opinion that *klaf* is the thicker inner layer, closer to the flesh of the animal, and would thus be written on the side actually adjacent to the animal's flesh. The Ashkenazic Rishonim, on the other hand, hold that *klaf* is the outer layer, closest to the hairy side of the skin.<sup>23</sup> According to the Ashkenazic approach, the requirement that *klaf* be written on the "fleshy side" means that it is to be inscribed on the side facing the flesh, but actually touching the other part of the skin, *dukhsustos*.

This fundamental disagreement need not impact the kosher status of Torah scrolls and Mezuzot, since most authorities agree that both may be written on *gvil*, the identification of which is uncontested. However, a successful resolution of this conflict is imperative for the validity of Tefillin, for which no writing material besides *klaf* suffices.<sup>24</sup>

First we must ascertain the anatomical identity of the two layers of skin, one of which is *klaf* and one of which is *dukhsustos*. When processed according to Talmudic instructions, there is only one natural split between two usable layers of the skin (dermis), which can be performed on the skin of any animal. The outer, keratinous, thin layer called the "grain" peels off relatively easily from the rest of the dermis.<sup>25</sup> The grain is referred to in contemporary halakhic discourse by a Russian term, *lizab* (лиза); the rest of the dermis is simply called "dermis." Seemingly, therefore, the Ashkenazic Rishonim hold that *klaf* is the *lizab*, whereas the Sefardic Rishonim hold that it is the dermis. Since *Shulhan Arukh* uncharacteristically rules in accordance with the Ashkenazic Rishonim that *klaf* is

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<sup>22</sup> Both sides cite the Geonim to support their position. Passages that seem to be in support of both positions can be found in the Geonic literature. Rabbi Michael Himi has written articles analyzing the words of the Geonim themselves and strongly supports the Sefardic position. See his articles on <<http://klaf1.com/PAGE1.asp>>. A full discussion of the proofs for each side is beyond the scope of this article. See footnotes 4-5 in my Hebrew article on <<http://klaf1.com/PAGE31.asp>>.

<sup>23</sup> See a summary of the opinions in *Bet Yosef* Y.D. 271 s.v. ומ"ש בפירוש קלף ודוכסוסטוס. On the opinion of Rambam see below.

<sup>24</sup> See Meiri to Shabbat 79b who concludes ה' הטוב יכפר בעד ורחמנא לבה בעי: since we have no way of absolutely deciding the correct identification of *klaf*, we hope that God atones for our sin of potentially wearing invalid Tefillin since we at least attempt to wear them.

<sup>25</sup> Some of the literature refers to the grain as "epidermis," but the terminology presented here is more accurate (Rabbi Tsvi Rogin, personal communication).

the outer layer,<sup>26</sup> it should emerge that if we wish to restore the original process for making *klaf* (with salt, flour, and tannic acid), we should write Tefillin on *lizab*.<sup>27</sup>

Applying this conclusion to practice, however, is highly questionable. The assumption that the Ashkenazic Rishonim would have held to write Tefillin on *lizab* had they been familiar with Talmudic tanning is purely theoretical. Parchment, which they actually used for all the holy scrolls, is made of dermis.<sup>28</sup> In practice, then, both the Ashkenazic and Sefardic Rishonim held that dermis was to be used for Tefillin. But how do we reconcile this with the opinion of the Ashkenazic Rishonim that *klaf* is the outer layer?

One possibility is that Ashkenazim were unaware of the nature of the original Talmudic splitting of the skin due to their lack of experience with leatherwork.<sup>29</sup> Thus, they felt that that scraping away the subcutaneous tissue and fat, as well as some of the bottom part of the skin, was sufficient to remove the lower layer of *duksustos* and be left only with the upper layer of *klaf*.<sup>30</sup> However, if they had been aware of the Talmudic method

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<sup>26</sup> O.H. 32:7. However, this ruling is based on the assumption that Rambam agreed in the end with the Ashkenazic Rishonim that *klaf* is the outer layer (*Bet Yosef* Y.D. 271 s.v. ודוכסוסטוס ומ"ש בפירוש קלף ודוכסוסטוס), which is contradicted by all good manuscripts of *Mishneh Torah* (Tefillin 1:11) and Rambam's responsa. If R. Yosef Karo had been aware of this, it is very possible that he would have ruled that *klaf* is the inner layer.

<sup>27</sup> This would not apply to those Yemenites who follow Rambam over *Shulhan Arukh*.

<sup>28</sup> The general use of parchment was for codices, and thus had to be scraped well on both sides to facilitate writing on both sides of the page. See Rabbenu Tam in Tosafot Shabbat 79b s.v. קלף, Rosh *Halakhot Ketanot Menahot* 5.

<sup>29</sup> The fact the Sefardic Rishonim continued to use the Talmudic tanning method is one reason that scholars tend to give their opinion more weight in this matter. However, there is also a reason to prefer the Ashkenazic opinion. The Ashkenazic Rishonim generally state the fact that *klaf* is the outer layer and bring only ancillary proofs for this. This indicates that they had a tradition that *klaf* was the outer layer. The Sefardic Rishonim, on the other hand, tend to proffer original proofs for their opinion that *klaf* was the inner layer, which perhaps indicates that their tradition was less established. See *Teshuvot HaRambam* 289 where he suggests that *klaf* must be the stronger layer because it is designated for holier types of STaM, and because that part of the skin is better suited for writing on the flesh side. Ramban to Shabbat 79b brings a proof from the Talmud Yerushalmi for his opinion but acknowledges that the matter is an old disagreement.

<sup>30</sup> Tosafot, Shabbat 79b s.v. קלף, *Shulhan Arukh* O.H. 32:7, and see the extensive literature in *Koveẓ Shitot Kamma'e* to Shabbat 79b.

of skin production, they would have insisted on using the true outer layer, *lizab*. Alternatively, it is possible that these Rishonim held that parchment, despite not being anatomically identical to Ḥazal's *klaf*, had the halakhic status as *klaf* due to its suitability for writing all types of STaM on its flesh side.<sup>31</sup>

In any event, the lack of evidence that any Jewish community ever actually used *lizab* for Tefillin precludes us from concluding that we should use tanned *lizab* as *klaf* nowadays.<sup>32</sup> Furthermore, using *lizab* would mean that our Tefillin would certainly be invalid according to the Sefardic Rishonim, whereas dermis is kosher according to all Rishonim, practically (if perhaps not conceptually) speaking. This is, in fact, the general approach among those looking to restore *klaf me'ubad ba-afazim* (tanned with gallnuts), and many of the tanners simply take parchment and re-tan it with the Talmudic recipe.<sup>33</sup> There is no doubt that this is halakhically superior to regular parchment, and that those meticulous about mitzvah ob-

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<sup>31</sup> Compare the opinion of Meiri in *Kiryat Sefer* 1:3. See also *Or Zarua* 540 and others, who emphasize that parchment has a *din* of *klaf*, not that it actually is *klaf*. *Gvil U-klaf* by Rabbi Iddo Albeh is an extensive discussion of this approach. If this analysis is correct, the Ashkenazic Rishonim's opinion about *klaf* would be comparable to Rambam's opinion about ink. Sinaitic tradition states that all holy scrolls must be written with *dvo*, which is a certain recipe of ink made of soot. Nevertheless, Rambam holds that this Sinaitic tradition means to exclude only other colors of ink, not other recipes of black ink, although they are not technically *dvo* (MT Tefillin 1:5). In our case, the Ashkenazic Rishonim felt that the Sinaitic tradition to write Tefillin on *klaf* did not exclude parchment, although it is not actually *klaf* in the technical sense of the word.

<sup>32</sup> There have been some Tefillin discovered from Mishnaic times; however, the type of skin upon which they are written has, to the best of my knowledge, not yet been conclusively identified. Furthermore, the halakhic admissibility of this evidence, partially due to the sectarian nature of many of these Tefillin, would be questionable. It is interesting to note, however, that the tiny size of these Tefillin, as well as the nature of the word *klaf* itself (meaning 'peel') may seem to point in the direction of the thin *lizab* being the original *klaf*.

<sup>33</sup> Some parchment makers actually leave the *lizab* attached to the parchment in an attempt to accommodate the opinion that disagrees with Rabbenu Tam in Tosafot Shabbat 79b s.v. קלף as well as *Nishmat Adam* 1:14:1. This is called in contemporary parlance *klaf lo megorad*, 'unscraped parchment.' One obviously cannot use this type of parchment for re-tanning with gallnuts because this would surely be unacceptable according to the Sefardic Rishonim who hold that dermis alone is *klaf*. Tanned *klaf lo megorad* would thus actually be *gvil*, except according to Ra'ah (quoted in Ritva Shabbat 79b), who holds that *gvil* that has been processed well for writing on the flesh side is considered *klaf*.



servance should make sure that their Tefillin are written thereupon. However, since some doubt remains as to the true identity of *klaf*,<sup>34</sup> *gvil* should be used wherever possible, i.e., for Torah scrolls, Mezuzot, and Megillot.<sup>35</sup>

### Conclusion

The contemporary practice to write STaM on parchment instead of skin tanned with the Talmudic method has a turbulent history. Although the use of tanned skin for STaM has been unknown to European Jews for centuries, there is no downside to restoring its use. All authorities who permit the use of parchment agree that tanned skin is at least equally kosher, whereas many authorities consider parchment invalid.

Restoring the original method for producing skins for the holy scrolls is in no way an affront to the practice of our pious ancestors who used parchment. Quite the opposite—it is our duty to heed our ancestors' words about the undesirability of that situation. Our forefathers left us room to distinguish ourselves (cf. Hullin 7a). Both rabbinic leaders and consumers must do their part to increase the use and availability of tanned STaM.

We pray that fulfilling the precious mizvot of STaM in the most ideal manner will lead us to a return of the ideal manifestation of the halakhic process: the restoration of the Sanhedrin to the chamber of hewn stone.



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<sup>34</sup> The possibility of wearing two pairs of Tefillin, one written on dermis and one on *lizab*, is discussed in footnote 11 of my Hebrew article, which can be found at <<http://klaf1.com/PAGE31.asp>>.

<sup>35</sup> Some prefer writing Mezuzot on *klaf* due to the opinion of Ri that Mezuzot may be written only on *dukhsustos* or *klaf* (Tur Y.D. 288). However, most authorities (including *Shulhan Arukh* Y.D. 288:6) conclude that Mezuzot may be written on *gvil*. *Gvil* seems preferable due to the fact that there was actually a living tradition of using it (in the Middle East) and there is no dispute about its identity.