

THE MEZUZAH IN THE HALAKAH

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## INTRODUCTION

The character of God is different from the character of human beings. A mortal king dwells within while his servants guard and protect him from without; but with God, the King of Kings, it is not so, for it is His servants who dwell within, while He guards and protects them from without; as it is said, "The Lord is thy guardian; the Lord is thy shade upon thy right hand. The sun shall not smite thee by day, nor the moon by night. The Lord shall protect thee from all evil; He shall watch over thy soul. The Lord shall guard thy going out and thy coming in from this time forth and forever." (Ps. CXXI 5-8)<sup>1</sup> The visible token that God protects and keeps watch over His people is a small cylinder made of wood, metal or other material, and in which are placed two sections from the Torah. This cylinder is affixed to the doorpost of one's house or apartment and serves as a reminder that God is ever present guarding His treasure - Israel. The mystics believe that the word Shaddai, which is written upon the outer side of the parchment, is an abbreviation for Shomer Dirot Yisrael, "The Guardian of Israel's Dwellings."<sup>2</sup>

A story is told concerning R. Judah HaNasi, Artaban

<sup>1</sup>  
B. Menahot 33b.

<sup>2</sup>  
Kol Bo, Mezuzah, Ch. 90

(the last of the Parthian kings) and a special gift.<sup>3</sup> Artaban sent R. Judah HaNasi a priceless gem, but asked that he be sent something of equal value in return. R. Judah HaNasi sent Artaban a mezuzah. Disturbed by what seemed to be an object of so little worth, the King sent a message to the Rabbi expressing his disappointment. R. Judah HaNasi replied that nothing could compare with the mezuzah he had sent. Moreover, the gem requires constant protection from thieves, whereas the mezuzah will guard and protect as one sleeps, as it is written, "When thou walkest, it shall lead thee, When thou liest down it shall watch over thee; And when thou awakest it shall talk with thee." (Proverbs VI 22)

As a symbolic representation of God's guardianship, the mezuzah has been associated with the blood smeared upon the doorposts of the Israelites' homes to protect them from the Angel of Death who had come to destroy Egypt; "Moses then summoned all the elders of Israel, and said to them go pick out lambs for your families and slaughter the passover offering. Taken a bunch of hyssop, dip it in the blood that is in the basin and apply some of the blood that is in the basin to the lintel and the two doorposts. None of you shall go outside the door of his house until morning. For when the Lord goes through to smite the Egyptians, He will see the blood on the lintel and the two doorposts and the Lord will protect the door and not let the

<sup>3</sup>  
See J. Peah 15d, Ch. I

destroyer enter and smite your house." (Ex. XII 21-23)

Josephus speaks of the mezuzah's employment as an old and well established custom. At the end of the forty years in the desert, Moses charges the Israelites: "Let everyone commemorate before God the benefits which He bestowed upon them at their deliverance out of the land of Egypt, and this twice every day, both when the day begins and when the hour of sleep comes, gratitude being in its own nature a just thing and serving not only by way of return for the past, but also by way of invitation of future favors. They are also to inscribe the principle blessings they have received from God upon their doors, and show the same remembrance of them upon their arms; as also they are to bear on their forehead and on their arm those words which declare the power of God, and His goodwill towards them, that God's readiness to bless them may appear everywhere conspicuous about them."<sup>4</sup>

In the Talmudic period the mezuzah had become equal in importance to that of tefillin and tzitzit. Our Rabbis say that Israel is beloved, for God surrounded them with tefillin for their heads, tefillin for their arms, tzitzit for their garments and mezuzot for their doorposts.<sup>5</sup>

Despite rabbinical efforts to keep the mezuzah as a religious symbol of God's unity, the character of the mezuzah

<sup>4</sup> Antiquities of the Jews, Book IV, Ch. VIII:13.

<sup>5</sup> B. Menahot 43b.

became that of an amulet employed to ward off evil demons. Maimonides regards all those who use the mezuzah in such a way as fools who are undeserving of the rewards of the world to come.<sup>6</sup> According to some authorities<sup>7</sup> the mezuzah was originally a primitive superstitious charm which was given religious content, by the Rabbis, by placing within it the two sections from the Torah. It is also possible that during the Middle Ages the anti-demonic virtues of the mezuzah outweighed its religious value. Joshua Trachtenberg quotes from the Responsa of R. Meir of Rotenburg who said that as long as the mezuzah is affixed to one's doorpost no evil demon can have power over the house.<sup>8</sup>

The dictum which prohibited even a single letter from being added to the mezuzah went unheeded.<sup>9</sup> Toward the end of the Geonic period features characteristic of charms or amulets began to be introduced into the mezuzah. Verses which speak of God's protection, names of God and angels and various magical figures were included. But by the fifteenth century such practices were no longer prevalent.

Today, in the twentieth century, the mezuzah enjoys dual status; as a charm worn about the neck and as a religious

<sup>6</sup> See M.T., Mezuzah, V:4.

<sup>7</sup> See Trachtenberg, Joshua, Jewish Magic and Superstition, New York, 1939, p. 146.

<sup>8</sup> Ibid., p. 146

<sup>9</sup> See M.T. Mezuzah, V:4; S.A., Y.D., 288:15.

symbol which is affixed to the doorposts of one's house. It is the latter with which this thesis is concerned. Herein the existing laws pertaining to the halakah of the mezuzah, as it is codified in the Shulhan Aruk of R. Joseph Karo and brought into consonance with Ashkenazic practice by R. Moses Isserles and R. Shabbetai Kohen are outlined. Of course Karo's work incorporates the decisions of R. Isaac Alfasi, R. Moses Maimonides and R. Asher b. Jehiel, and reference is made to these authorities.

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CHAPTER ONE: THE COMMANDMENT CONCERNING THE MEZUZAH AND  
ITS REWARD.

1. It is a positive commandment to write the sections (beginning with) "Hear O Israel" (Deut. VI 4-9) and "If, then, you obey" (Deut. XI 13-21) and to affix them upon the doorposts. One is to be scrupulous in the observance of this commandment, for whosoever is scrupulous therein he and his children will enjoy long life. If, however, he is not scrupulous therein his days will be cut short.

The commandment of the mezuzah is written within each of the aforementioned Biblical passages: "Inscribe them upon the doorposts of your house and on your gates." (Deut. VI 9 and Deut. XI 20) There were those who wanted to explain this passage according to its literal sense, i.e., to "inscribe them" means to literally write these sections upon the stones of the doorpost. R. Ashi insists that the expression "inscribe them" implies a perfect writing. Inscriptions written upon stones cannot be done perfectly. (B. Menahot 34a)

The reward for fulfilling the commandment of the mezuzah is to be found within the second of the two Biblical passages; "\_\_\_\_\_ to the end that you and your children may endure in the land that the Lord swore to your fathers to give to them as long as there is a heaven over the earth." (Deut. XI 21)

R. Eleazar b. Simeon teaches that children die as punishment for unfulfilled vows. R. Judah HaNasi says that such is the punishment for the neglect of Torah study. R. Hiya b. Abba and R. Jose differ. While one agrees that such punishment is for the neglect of Torah study, the other maintains that it is for the sin of neglecting the commandment concerning the mezuzah. The basis for the latter is that since the verse stipulating the reward of long life follows immediately after

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the commandment of the mezuzah, the reward applies to the mezuzah only. The reward is therefore conditional upon one's fulfilling the commandment of the mezuzah. (B. Shabbat 32b)

In the event that one is remiss in fulfilling the commandment of the mezuzah, to what extent can the court take legal action against him? An answer can be deduced from the following case:

A man was brought before the court for failing to obey the injunction "Honor your father and your mother." (Ex. XX12) As they were binding him to have him flogged, Rami ordered him set free on the basis that every commandment which carries its reward by its side does not fall within the jurisdiction of the court. (B. Hullin 110b)

The fulfillment of the commandment of the mezuzah is incumbent upon all Jews, including women, slaves (of Jews) and children under the age of thirteen. (B. Berakot 17b)

The Jew is cautioned to pay special heed to the commandment of the mezuzah, a perpetual obligation binding upon all, so that whenever one enters or leaves his house he will be constantly confronted with the declaration of God's unity and will be reminded of the love and awe due to God, and he will be awakened from his slumbers and made aware of his errors. He will come to the realization that nothing endures except the knowledge of the Ruler of the universe and he will thereafter walk on the path of righteousness. (M.T., Mezuzah, VI: 13)

If a man has enough money to buy either tefillin or a mezuzah, he is to buy tefillin. (J. Megillah 75c; S.A., O.H., 58:2) for a commandment involving the person of the observer takes precedence. (RaMA, ad locum)

There is clearly a difference here between the Jerusalem Talmud and the Babylonian Talmud. In J. Megillah Ch. III (end) Samuel maintains that the commandment regarding mezuzah takes precedence on the grounds that it applies on the Sabbath and on the festivals. R. Huna holds that the commandment of tefillin takes precedence since it applies

to travelers at sea and in the wilderness. Then a baraita is quoted to the effect that on the principle that we may promote to a higher degree of sanctity but not degrade, tefillin may be made from mezuzah parchments that have worn out whereas mezuzot are not be made from worn-out tefillin parchments. This would appear to support Samuel. R. Elijah Gaon of Vilna (to S.A., Y.D., 285:1) cites the discussion in the Jerusalem Talmud. He then points out that R. Asher b. Jehiel ruled, in accordance with R. Huna, that tefillin are to be acquired on the grounds that personal duties take preference, a consideration that is not adduced in the Jerusalem Talmud. R. Elijah Gaon notes that R. Huna's position is supported in B. Shabbat 79b and B. Menahot 32a, where it is stated that tefillin or a Torah that have worn out are not to be used for mezuzot, thus indicating that tefillin possess a higher sanctity.

R. Akiba Eger (to S.A., Y.D., 285:1) discussing the phrase hovat haguf - personal duty, points out that it is a personal obligation to don the tefillin, whereas it is not a personal obligation to build a house in order to affix a mezuzah thereon. The obligation of mezuzah applies only if one already possesses a dwelling (his own or rented).

See also the opinion of R. Abraham Gumbiner (Magen Abraham to S.A., O.H., 38: 12) that since tefillin are generally donned during the hours of the Shema and the Eighteen Benedictions, if tefillin can be borrowed then a mezuzah is to be purchased, for the latter is generally not available for borrowing.

2. The mezuzah is to be affixed in the outer handbreadth of the doorpost.

Rab Judah, in the name of Samuel, teaches that the mezuzah is to be affixed on that side of the doorpost that faces the door and not upon the side that faces the street. Raba says that the mezuzah is to be affixed in the handbreadth nearest the street. However, this could mean that it is not to be placed on that side of the doorpost that faces the street but rather within

the framework of the doorpost that faces the door but on that portion of the doorpost that is closer to the street. (B. Menahot 32b-33a)

RMBM states that the mezuzah is affixed within the width of the doorpost a handbreadth from the external edge. (M.T., Mezuzah, VI:12)

If the thickness of the framework of the doorpost is several handbreadths, he is to place the mezuzah within that handbreadth closest to the street. (B.H., ad locum) The reason why the mezuzah is affixed in the handbreadth nearest the street is that when one returns to his home he will immediately encounter a commandment. (B. Menahot 33b)

There are some who say that when a man leaves his house he is to place his hand upon the mezuzah and say, "May the Lord guard my going out" etc., and similarly upon his return he is to place his hand upon the mezuzah. (ReMA here refers to MaHaRIL and to an account of Onkelos b. Kalonymus the proselyte in B. Avodah Zarah 11a) It has likewise become a custom to kiss the mezuzah as one enters or leaves. (See Kol.Bo, Mezuzah, Ch. 90)

## CHAPTER TWO: PLACES THAT REQUIRE A MEZUZAH

1. A mezuzah is to be affixed on each of the following: gates of houses, gates of courtyards, gates of provinces and gates of cities.

According to the Rabbis, the phrase "Upon your gates" (Deut. VI 9) teaches us to include all those mentioned above. (B. Yoma 11a) However, there were no mezuzot on any of the Temple gates except the gate of Nikanor and the gate within that gate and the chamber of counsellors. A mezuzah was affixed there because this chamber was used by the High Priest as his residence during the seven days prior to the Day of Atone-ment. (RMBM here cites B. Yoma 10a and 11a; See also Tractate Mezuzah, Ch. I)

A cattle shed, hen roosts (rooms built for geese and chickens; Shab, S.A., Y.D., 286:1 (3)) and store rooms for wine and oil are to have mezuzot affixed to their doorposts.

RMBM specifies ten conditions which must exist in a building in order to place the occupant under the obligation to affix a mezuzah. One of these conditions is that a structure must be built for human occupancy. The basis for RMBM's viewpoint is the phrase "your house", (Deut. VI 9) (See B. Yoma 11a) which means a dwelling occupied by human beings, thus exempting a cattle shed and similar classes of buildings. (M.T., Mezuzah, VI:7; see also Tractate Mezuzah, Ch. I)

However, it is the opinion of R. Joseph Karo that the cattleshed requires a mezuzah, but if the women use it as a bath house, it is then exempt. (S.A., Y.D., 286:2) (For the full discussion concerning this matter see below)

In general, a synagogue which falls under the category of a place of holiness, and a cattleshed, which is soiled by the excrements of animals do not require mezuzot unless either serves as a permanent human dwelling. Although



a cattle shed cannot be considered as a human dwelling and it is soiled by the excrement of animals, a mezuzah is nevertheless affixed since one frequently enters and leaves its premises. (Shak, ad locum, (2) quoting from Derisha, Tur, Y.D., 286)

A women's apartment and a house owned in partnership require a mezuzah.

In the Talmudic discussion one of the sages claims that this ruling is self-evident. However, one might have thought that since the possessive suffix in the phrase "your house" is masculine singular, the women's dwelling and a house belonging to partners are excluded. Therefore, this ruling is needed to avoid such a misinterpretation. (B. Yoma 11b; see also Shak, S.A., Y.D., 286:1(4))

With respect to a house owned in partnership, the ruling applies only when both partners are Jews. If one is a non-Jew, the house is exempt. (RaMA, ad locum, cites the compilation of the "Mordecai" to the end of Ch. I of tractate Avodah Zarah; see also M'irat Enayim to S.A., H.M., 427:102)

Such a ruling is necessary to prevent the non-Jewish partner from saying that the Jew performs deeds of witchcraft when he affixes a mezuzah. (Shak, ad locum, (6)) The ruling is extended even further to include cities and/or courtyards in which the residents are Jews and non-Jews. This would apply even if the majority are Jews. In the cities of Prague and Cracow the Jewish sections were closed off by gates. The Jews living here did not affix mezuzot to these gates for fear that their enemies might pull them off and desecrate the Holy Writings. Some Jews were given permission to open saloons, but because those who frequented these establishments were non-Jews, no mezuzot were affixed unless one could be sure that they were safe from desecration. (Shak, ad locum, (7) quoting from BaH., Tur, Y.D., 286)

2. The hayloft, wood shed and cattle shed require mezuzot.

However, if women use these structures as bath houses, mezuzot are not to be affixed to them.

As to the question whether the hayloft, cattle shed, wood shed and store house are liable or exempt with reference to the mezuzah, the Talmud (B. Yoma 11a-b) expatiates on the difference between R. Kahana and R. Judah. The baraita that is the subject of contention between them states "An ox stable is exempt from the mezuzah and places wherein women adorn themselves are liable to a mezuzah."

Now R. Kahana holds that regarding the first clause of the baraita there is a difference of opinion among the Tannaim, some holding that such buildings are generally liable and some holding that they are exempt. There is, however, agreement among the Tannaim that buildings in which women adorn themselves are liable. According to R. Judah there is no difference among the Tannaim as to the first clause: all agree that generally such buildings are exempt from the obligation of the mezuzah. There is a difference among the Tannaim only if women utilize such buildings for purposes of self-adornment. RMBM (M.T., Mezuzah, VI:7) rules that haylofts, stables, wood sheds and store houses are exempt from the obligation of the mezuzah and are liable only if women make use of them for self-adornment. According to R. Joseph Karo (his commentary Kesef Mishne, ad locum) the ruling of RMBM appears to be based on the logic that since the baraita expresses a difference among the Tannaim and the names of the Tannaitic authorities are not mentioned, and since no final ruling is expressed in the Talmud, the halakah is to follow R. Judah who, judging from the words "R. Kahana taught in the presence of R. Judah", must have been R. Kahana's master and in such a situation the words of the master prevail. R. Isaac Alfasi and R. Asher b. Jehiel (who, as a majority, are here followed by R. Joseph Karo) maintain with R. Kahana that generally all such structures are

to have a mezuzah even when they are not utilized by women for self-adornment. These authorities do not regard R. Kahana as the disciple of R. Judah but as the disciple of Rav. (R. Abba Areka)

A room used for sleeping as well as for the performance of the marital duties by a husband and wife requires a mezuzah. (RaMA, ad locum, quoting from B. Jos., Tur, Y.D., 286 and from the Responsa of MaHaRIL) But there are those who say that any place wherein women lie, is exempt from the mezuzah. (RaMA, ad locum, quoting from B. Jos., Tur, Y.D. 286 (in the name of Sefer Mitzvot Katan); Kol Bo, Mezuzah, Ch. 90; "Mordecai")

However, it is the opinion of RaMA that a room requires a mezuzah if the mezuzah when affixed is outside the room when the door is closed. (RaMA, ad locum)

None of the above-mentioned structures can be considered human dwellings. (see above) However, a room which is considered a human dwelling does require a mezuzah. But there are those who rule that rooms or a winter house used by women for the purposes of bathing are exempt since of necessity the women will be in the nude. It is proper, however, to place a mezuzah on the outer doorway leading to the street. ShaK notes that in his time the custom has become widespread to place mezuzot on all doorways except those rooms used for bathing and for washing the soiled clothing of children. (ShaK, ad locum, (9), quoting from BaH., Tur, Y.D., 286)

3. A synagogue does not require a mezuzah unless it has within it an apartment. (B. Yoma 11a; see also B. Jos., Tur, Y.D., 286)

A village synagogue used as a lodging for transients requires a mezuzah. (M.T., Mezuzah, VI:6)

If the apartment is in the courtyard rather than in the synagogue building, the courtyard requires a mezuzah and the synagogue does not. (RaMA, ad locum)



4. A privy, a bath house, a ritual bath house, a tannery and similar places are not to have mezuzot affixed to them because they have not been built as dwellings for respectable use. (See B. Yoma 11a-11b; M.T., Mezuzah, VI:9)

Even if one were to cover the mezuzot, thereby preventing desecration of the Holy Writing, one is not to affix mezuzot to these structures because they are not for respectable use. (ShaK, ad locum, (11))

5. A room used by children, since it is for a respectable purpose, is to have a mezuzah. But, because it is not unusual to find soiled clothing and excrement there, the mezuzah is to be covered. In any other place the mezuzah is to be seen. (SeMaG, Mezuzah, Ch. 23; Sefer Mitzvot Katan; Kol Bo, Mezuzah, Ch. 90)

6. An exedra (i.e., a hall or porch) that has three walls and a roof, even though it has two posts on the fourth side, does not require a mezuzah because the posts were made to support the roof and not as doorposts. But, if it has a partition on the fourth side, even though it was built low, or even if it were made up of a series of windows, it requires a mezuzah.

An objection is raised against R. Hisda's ruling: A watchman's lodge, an exedra, and a balcony each requires a mezuzah. The reference here is to the exedra of a school building, which is a hall with four walls which do not reach the roof. But it was asked; is not the exedra of a school building a proper room? Therefore, the reference must be to a Roman exedra which has sides only a few feet

high and the rest of each side is made up of lattice windows. (B. Menahot 33b; see also Tractate Mezuzah, Ch. II) A roof supported by posts on all four sides, but without walls, even though it gives the appearance of a dwelling, does not require a mezuzah since the posts were made to support the roof and not as doorposts. (M.T., Mezuzah, VI:3)

7. A balcony to which doors of the upper apartments open, and a gate house (i.e., a small house-like structure built before the gate of the courtyard and which is often used as a short cut. (ShaK, ad locum, (14)) do not require mezuzot (since they have not been built as human dwellings) ShaK, ad locum, (15)). The garden is likewise exempt from the mezuzah. However, if a house opens to one of these they then require mezuzot. There are those who rule that a gate house requires a mezuzah even if a house does not open to it. (See Tur, Y.D., 286; Perisha and BaH., Tur, Y.D., 286)

Any building not built specifically as a human dwelling is exempt from the mezuzah. (B. Yoma 11b; see also B. Menahot 33b) Entrances, whether leading to courtyards or to passages, and gates of districts or cities, must each have a mezuzah because dwellings open to them. (M.T., Mezuzah, VI:8)

8. An entrance lodge which opens to the house as well as to the courtyard requires two mezuzot; one where it opens to the house and one where it opens to the courtyard.

R. Papa defines an entrance lodge as the dwelling (used by the watchman) which has one door leading to the main house and one leading to the courtyard. The discussion that follows is concerned with the problem of where the mezuzot are to be affixed. (B. Menahot 33b)

The door of the lodge leading to the street does not require a mezuzah. (ShaK, ad locum, (18))

9. An entrance lodge which stands between the garden and the house requires a mezuzah on the doorway open to the house and a mezuzah on the doorway open to the garden.

This ruling is discussed and explained by R. Jose, Rab and Samuel. (B. Menahot 33b)

Even where ten rooms open into one another, each requires a mezuzah just as the innermost room requires a mezuzah. For this reason, the rule is that a gate opening from the garden to a courtyard requires a mezuzah. (M.T., Mezuzah, VI:8; see also B.H., S.A., Y.D., 286)

10. A bet ha midrash does not require a mezuzah. However, if a particular doorway is used frequently for entering or leaving (perhaps from a private dwelling attached to the bet ha midrash, see M.T., Mezuzah, VI:1; or it is the doorway used regularly by the Rabbi, B.H., S.A., Y.D., 286) then that doorway requires a mezuzah. There are those who say that the bet ha midrash requires a mezuzah (even if one doorway is not used regularly). Although we are to consider their opinion seriously, if in doubt, one is to affix a mezuzah but the blessing is not to be recited. (This is the opinion of R. Jacob b. Asher, in the name of R. Meir of Rotenburg, Tur, Y.D., 286)

R. Isaac b. Joseph reports that the doorway through which Rabbi entered the bet ha midrash had no mezuzah.

However, the door through which R. Huna entered the bet ha midrash had a mezuzah. There was a

mezuzah on this door (in the case of R. Huna) because it was used frequently. Rab Judah says that one puts a mezuzah on a doorway used frequently. (B. Menahot 33a)

There are those who are of the opinion that the bet ha midrash does not require a mezuzah unless it had an apartment within. But, since the bet ha midrash is used by the students all day long, it is as if it were a dwelling and therefore requires a mezuzah. (Shak, ad locum, (19))

Under ordinary circumstances, when one affixes a mezuzah the blessing is said immediately. In the case of the bet ha midrash, since there are some doubts, the mezuzah is affixed without the blessing, but when a blessing is recited upon affixing a mezuzah to another doorway requiring it, one mentally applies its words to the mezuzah affixed to the bet ha midrash. (Shak, ad locum, (20), quoting from BaH., Tur, Y.D., 286)

11. The sukkah (booth) used during the festival of Sukkot, a room in a ship and shops in market places do not require a mezuzah.

Rab Judah believes that since the sukkah must present the appearance of being a permanent dwelling, it must have a mezuzah. The Rabbis, on the other hand, say that the sukkah must present the appearance of a temporary, incidental residence and is exempt. (B. Yoma 10a - 10b)

The law is according to the view of the Rabbis who reasoned that "your house" (Deut. VI 9) indicates a permanent dwelling, thus excluding incidental or temporary type dwellings. (B.H., ad locum; see also M.T., Mezuzah, VI:7; Shak, S.A., Y.D., 286:11 (21))

12. Of the two potter's booths, one inside the other, the inner booth requires a mezuzah while the exterior booth is exempt.

R. Levi teaches that since the potter uses the inner booth as his residence, it requires a

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mezuzah and would not be permissible as a sukkah for the festival of Sukkot. It was asked, "If the outer booth, which is exempt from the mezuzah, could be regarded as a gate house, would it not require a mezuzah?" Because neither booth is of a permanent nature, the inner one cannot be considered important enough to have a gate house. (B. Sukkah 8b) Since the outer booth is used as a workshop and as the place where the potter sells his goods, it cannot be considered as a residence. Therefore it does not require a mezuzah. (ShaK, ad locum, (22))

13. A dwelling the area of which is less than four cubits by four cubits is exempt. If its area is the equivalent of a square of four cubits by four cubits (i.e., if when you multiply the two dimensions the product is sixteen square cubits) even if it is circular in shape or has five corners, it requires a mezuzah.

This ruling is according to RMBM. (See M.T. Mezuzah, VI:2, also B. Sukkah 3a)

Unless a house has within it a space large enough to accommodate a square of four cubits by four cubits it is exempt according to Rabbenu Asher. R. Joseph Karo follows the ruling of RMBM, that the space is to be the equivalent of four cubits by four cubits (e.g., if one side is only two cubits and the other eight cubits). However, there are other authorities who agree with Rabbenu Asher, thereby creating some doubts. Nevertheless, one is to affix a mezuzah, but where doubt exists no blessing is recited. (ShaK, ad locum, (23), quoting from B. Jos., Tur, Y.D., 286; and Adam V'Havah by R. Jeruham)

14. A dwelling without a roof does not require a mezuzah. If part of it is covered and that part is over the doorway then a mezuzah is to be affixed provided that the covered area is four cubits by four cubits.



Rabba says that faulty doors do not require mezuzot. As to the meaning of "faulty doors", R. Rehumai and Abba Jose differ. One says that "faulty doors" are those which have no ceilings, while the other says that they are those which have no side posts. (B. Menahot 33b)

The above ruling is derived from RMBM, M.T., Mezuzah, VI:5) based upon his own reasoning (B.H., ad locum, taken from Kes. Mish.)

15. A dwelling without doors requires a mezuzah. There are those who say that is is exempt.

After his house had been built, the exilarch asked R. Nahman to affix the mezuzot. The latter said, "First put the doorposts in their places." (B. Menahot 33a)

One of the ten conditions set down by RMBM is that a dwelling must have doors before the mezuzot are affixed. (M.T., Mezuzah, VI:1) The commandment cannot be fulfilled unless the doors have been set in place. (B.H., ad locum; see Tur, Y.D., 286, where it is stated that unless the doors have been set in place, the mezuzot are not to be affixed.) If the mezuzah is affixed before the door is set in place, the commandment has not been fulfilled. (The idea is, "you shall do" and not that which has been done.)

If it is impossible to set the door in place immediately, the mezuzah is to be affixed but without the recital of the blessing. When the door is set in place, he can remove the mezuzah and re-affix it or he can affix another mezuzah with the blessing, keeping in mind the mezuzah already affixed. (Shak, ad locum, (25))

16. Every room within a house, even a room within a room, requires a mezuzah.

A room within a room must have a mezuzah at the entrance of the inner room and of the outer room. (M.T., Mezuzah, VI:10)

17. If a house has many doorways, all opening to a courtyard or street since all were made for exiting and entering by the members of the household, all require mezuzot, even if the number of the members of the household has become reduced. (See Tur, Y.D., 286)

It is R. Papa's opinion, which is based upon the teachings of R. Huna, that a room with four doorways requires four mezuzot even though one door is used more than the others. (B. Menahot 34a; see also M.T., Mezuzah, VI:10)

18. A mezuzah is to be affixed to all the doorways of a dwelling, even though only one is used for entering and exiting. (See M.T., Mezuzah, VI:10)

The small doorway of a store room for wine, which opens into the house and is used for entering and exiting, requires a mezuzah provided it is the proper size (i.e., ten handbreadths in height and four handbreadths in width.) (Shak, ad locum, (26)) The large doorway is exempt. However, if the small doorway is not the proper size, it is exempt and the large doorway then requires a mezuzah. (RaMA, ad locum, quoting from B. Jos., Tur, Y.D., 286 and from the Responsa of MaHaRIL)

Since the large doorway is used only occasionally to bring in jugs of wine, it is exempt from the obligation of the mezuzah. Because the small doorway is used as an entrance and exit to and from the house, it requires a mezuzah, provided it is the proper size. A doorway must be mainly used as an entrance and exit if it is to have a mezuzah. (Shak, ad locum, (26))

19. If one builds an enclosure either at the head or foot of a staircase which is between a dwelling (below) and an upper room, thus forming a doorway, a mezuzah is to be affixed. If an enclosure is built at the top as well as at the bottom, forming two doorways, two mezuzot are required.

It was usual to place a door either at the top or bottom of a staircase, which led from a dwelling to an upper room to insure the tenant's privacy. Sometimes a door was placed both at the top and at the foot of the staircase.

R. Huna says that if there are two doors, two mezuzot are required, if only one door, then only one mezuzah is required. (B. Menahot 34a; see also M.T. Mezuzah, VI:10)

20. If two doorways have a common doorpost of one handbreadth in depth, one mezuzah is required.

If the depth of the doorpost is more than a handbreadth, another mezuzah is required. (B. Menahot 33b)

If, as one enters the first doorway there is at right angles to this doorway another doorway and each shares a common doorpost, one mezuzah is required if the thickness of the post is a handbreadth or less. (Shak, ad locum, (27), quoting an explanation given by Rashi, B. Menahot 33b; see also BaH. Tur, Y.D., 286) If a small door is made in a larger door and if the width from the right edge of the small door to the right edge of the larger door is more than a handbreadth, then two mezuzot are required. (An explanation offered by Rashi, B. Menahot 33b; see also Tur, Y.D., 286)

21. If one doorway is divided into two by a post and the markings for the hinges are placed on both sides of the post, (i.e., for each door) a mezuzah is required for each one. (From the Responsa of RaShBA)

23. One who rents a house outside the land of Israel or one who lodges in an inn in the land of Israel is exempt from the obligation of the mezuzah for a period of thirty days. But, if one rents a house in the land of Israel, the duty of affixing the mezuzah devolves immediately upon him. (The law pertaining to the borrower is the same as for the hirer.) (See



M.T., Mezuzah, V:10; also B. Jos., Tur, Y.D., 286)

One who rents a house in the land of Israel is to affix a mezuzah immediately in order to maintain the settlement in the land of Israel. (B. Menahot 44a) A lodger in countries outside the land of Israel is not required to affix a mezuzah. (Tractate Mezuzah, II:12; see also J. Megillah, at the end of the tractate) One is exempt from affixing a mezuzah on a house outside the land of Israel for the first thirty days because they cannot be considered permanent dwellings as yet. (ShaK, ad locum, (28))

23. One who rents a house from a non-Jew is required to affix a mezuzah.

The one who rents a house from a non-Jew is to affix a mezuzah and when he leaves he is to take it with him. If the owner of the house is a Jew, the departing tenant is forbidden to take it. R. Jacob b. Aha told about a certain man who did take the mezuzah from a house belonging to a Jew and as a consequence he had to bury his children. (J. Megillah 75C:12; see also SeMAG, Mezuzah, Ch. 23)

A house owned by a non-Jew is not exempt. If, however, some danger does exist (e.g., the Jew who is renting the house fears that the non-Jew will attempt to desecrate the Holy Writings) then it is exempt. (ShaK, ad locum, (29))

### CHAPTER THREE: THE DOORWAYS WHICH REQUIRE MEZUZOT

1. A mezuzah is not to be affixed to a doorway that does not have two posts and a lintel.

Raba says that faulty doors do not require mezuzot. As to the meaning of "faulty doors", R. Rehumai and Abba Jose differ. One says that those doors without upper beams are faulty doors. The other says that if there is no lintel it is a faulty door. (B. Menahot 33b)

It is R. Meir's contention that even a doorway with only one post is to have a mezuzah. The sages disagree. The reason for R. Meir's view is the phrase "doorposts" (Deut. VI 9) which means two or more, however, the phrase is repeated in the second section (Deut. XI 20) which is unnecessary. We have therefore an inclusive term followed by another inclusive term and in such a case its effect is to restrict.

R. Akiba says that in another section it says, "upon the lintel and the two doorposts". (Ex. XII 23) Since it is unnecessary to say "two", what is meant by "two"? Whenever "doorposts" are mentioned, it means one unless it expressly says two. (B. Menahot 34a)

A corner door, having only one doorpost, or a door made of boards having only one doorpost require mezuzot. (Tractate Mezuzah, Ch. I) R. Ashi says that since it has no doorposts it is exempt. But Amemar says that the walls are its doorposts. (B. Menahot 34a)

It is the opinion of Rabbenu Asher and R. Jacob b. Asher that if a doorway has one post and it is on the right side, a mezuzah is to be affixed. But if the post is on the left side it is exempt. (See Tur, Y.D., 287) In the latter case it is to be affixed without reciting the blessing. (ShaK, ad locum, (1))

2. A doorway which has two doorposts on either side but instead of a lintel, an arch in the shape of a bow, requires

a mezuzah provided that the posts are ten handbreadths high or more. If the posts are less than ten handbreadths, it is exempt since the doorway does not have a lintel. (See M.T., Mezuzah, VI:4)

Rabbah b. Samuel says that according to R. Meir an arched doorway requires a mezuzah provided the posts are ten handbreadths high or more. But the sages exempt it on the basis that an arch narrows down at the top to less than four handbreadths in width. However, all agree that if the posts alone are ten handbreadths high and four handbreadths wide, it would be a valid doorway. Again all agree that if the arched doorway is ten handbreadths high but the posts are less than three handbreadths wide, it would not be a valid doorway and would be exempt. (B. Erubin 11b; see also B. Yoma 11b) It is obvious that a doorway less than ten handbreadths in height is exempt. (See Tur, Y.D., 287; B. Jos., ad locum)

Since every room in a house requires a mezuzah, it is in violation of the law to affix only one on a house. Therefore, if one did so, he is to make the necessary corrections in accordance with the law. (RaMA, ad locum, quoting from MaHaRIL, HilKot Mezuzah; and the Responsa of MaHaRIL)

Even if the arch begins from the ground, as long as it is ten handbreadths high and four handbreadths wide it requires a mezuzah. (ShaK, ad locum, (2), from an explanation offered by Rashi; see also Tur, Y.D., 287; "Mordecai")

# CHAPTER FOUR: THE WRITING OF THE MEZUZAH

1. The two sections of the Torah (Deut. VI 4-9 and XI 13-21) are to be written on one piece of parchment. A space of half a nail's breadth is to be left as a margin above and below the column. Enough space is to be left at the right hand margin to roll it over after it has been wrapped up. (One does not have to leave any space at the left hand side. Tur, Y.D., 288; see also M.T., Mezuzah, V:1)

The absence of one Biblical portion invalidates the mezuzah. Indeed, even one imperfect letter can invalidate the whole. (B. Menahot 28a)

Regarding the spaces above and below the column, R. Simeon b. Eleazar says that R. Meir used to write the mezuzah on duksustos (parchment) in the form of a column, leaving a space above and below, and leaving the space between the sections open. The reason he did so is that the sections are not next to each other in the Torah. R. Hananel declared, in the name of Rab, that the Halakah follows R. Simeon b. Eleazar. The halakah refers to the ruling of leaving a space above and below the column. R. Menashya b. Jacob says the space is to be the size of the clasps used by the scribes to prevent the sheets from rolling up. (B. Menahot 32a)

A space is left at the right hand margin just large enough to roll it over after it has been wrapped up. However, some say that it is to be large enough to roll it over completely. (See Tosafot, B. Menahot 32a, s.v. oseh revah; also Halakot Ketanot of Rabbenu Asher, HilKot Mezuzah; SeMAG, Mezuzah, Ch. 23)

It is R. Jacob b. Asher's opinion (Tur, Y.D., 288) that one does not have to leave any space at the left hand side. However, one is to leave some space in order that the letters will be surrounded by parchment. (ShaK, S.A., Y.D., 288 (1))

2. The two sections of the Torah are to be written in one column, but if they are written in two or three columns the writing is still valid. (See Tur, Y.D., 288)

If the sections are written in two or three columns the mezuzah is valid provided that the writing is not in the shape of a tail (i.e., broad at the top line and gradually narrowing to a point) or of a circle or of a tent (narrow at the top and broadening to the base). If the mezuzah is written in any of these forms it is invalid. (M.T., Mezuzah, V:1)

3. If the sections of the mezuzah are not written according to the prescribed order, or even if one letter is forgotten, the mezuzah is invalid. There is no way to remedy it if it is written in such a manner. Therefore it is unnecessary to say that if one wrote the sections in the wrong order it is invalid. (R. Joseph Karo is referring to M.T., V:1)

If it is not written according to the proper order it is to be stored away. (B.H., ad locum, quoting from Mekilta)

Unlike the writing of a Torah, a part of the mezuzah cannot be left unwritten for the time being and completed later. The codifiers say that the mezuzah is to be written according to the prescribed order. Later commentators rule that if a mistake was made, the scribe erases out everything below, starting with the last line, until the defect is reached. He then makes the necessary corrections and re-writes the entire succeeding section. If the correction is made in this manner it will be valid. (ShaK, ad locum, (2))

4. If the sections of the mezuzah are written on two separate pieces of parchment, even though they are sewn together, it is invalid. (See M.T., Mezuzah, V:1)

Rab Judah, in the name of Samuel, says that if one writes the sections on two sheets of parchment and



affixes it on two doorposts, it is invalid. However, it would follow that if one places the text on one doorpost it is valid. What is meant is that the text could be placed on two doorposts since it was written on separate sheets. (B. Menahot 33a)

5. The parchment used for the mezuzah is to be tanned for that specific purpose. (Tur, Y.D., 288, based upon Rosh) Since one is to fulfill the commandment immediately, a piece of parchment not tanned for that specific purpose may be used while a skin that is for that specific purpose is being prepared. (B. Jos., Tur, Y.D., 288)

It is the opinion of RMBM that the skin for a mezuzah does not have to be tanned for that specific purpose. (M.T., Mezuzah, I:11)

According to the views of a majority of the codifiers, a mezuzah is invalid if written upon parchment not tanned for that specific purpose. (BaH., Tur, Y.D., 288) But if one has to wait for a skin to be prepared, the fulfillment of the commandment will be delayed. Therefore, one may use a skin not tanned for that specific purpose and affix the finished mezuzah without the blessing. A number of authorities are of the opinion that in this situation one is to affix the mezuzah and try to furnish another one written upon parchment tanned for that specific purpose. (ShaK, ad locum, (4))

6. If a mezuzah is written upon kelaf (the external half of a split hide) or on gewil (an undivided hide) the mezuzah is valid. Duksustos (inner half of a split hide) is recommended to be used only as an act of piety. (M.T. Mezuzah, I:9)

R. Simeon b. Eleazar says that R. Meir used to write it upon kelaf because it is more durable. Now that this is the conclusion, i.e., that a mezuzah may be written upon kelaf, according to Rab also, do not say that duksustos is as kelaf,

but say kelaf is as duksustos; just as a mezuzah may be written upon duksustos so may it be written upon kelaf. (B. Shabbat 79b)

The hide used for mezuzot is to be taken from clean domestic or wild animals or from skins of clean birds. Even if the animals have not been ritually slaughtered or lesions of a fatal character have been found, their hides may still be used. (M.T., Mezuzah, I:10; see also Tractate Mezuzah, Ch. I and Tractate Soferim, Ch. I:1)

7. The rules concerning the ink, the crownlets for the letters, shin, ayin, tet, nun, zayin, gimmel, and tzadi, and the method of writing the mezuzah are the same as for the Torah.

(RMBM discusses in detail the preparation of the ink, preparation of the hides, and the method of tanning, and the method of writing. M.T., Mezuzah, I:1-20)

The rules concerning the writing of full and defective letters apply to the writing of the tefillin as well as to the mezuzah. (ShaK, ad locum, (5); also S.A., O.H., 32 for rules governing the procedure for writing tefillin)

While a mezuzah and tefillin can be written from memory, not a single letter may be written in a Sefer Torah unless it is copied from another Sefer Torah. (M.T., Mezuzah, I:12; also Tur, Y.D., 288)

R. Hisda saw R. Hananel writing a Sefer Torah without a copy before him. He said to him: You are quite qualified to write the whole Sefer Torah from memory but the sages have said: "It is forbidden to write one letter except from a copy". Seeing that he said to him, "You are qualified to write the whole Sefer Torah from memory", we can conclude that he could write a Sefer Torah correctly, and we see that R. Meir actually did write a Sefer Torah from memory. Why cannot R. Hananel do likewise?

In the case of R. Meir it was a matter of emergency. Abaye allowed the members of Bar Habu's household to write tefillin and mezuzot without a copy. What was his authority? The following Tanna, as it has been taught: R. Jeremiah says, in the name of our Teacher: Tefillin and mezuzot may be written from

memory and need not be written on ruled lines. The law, however, is that tefillin do not require lines while mezuzot do, and both may be written from memory since the texts are so well known. (B. Megillah 18b; Tur, Y.D., 274)

One is to pay special attention to the crownlets of those letters mentioned. However, if the crownlets are omitted or if they are more or less than specified, the mezuzah is still valid. But if the lines are not ruled or special attention is not given to the full or defective letters or if additional letters are added, the mezuzah is invalid. (M.T., Mezuzah, V:3)

8. The mezuzah is to be written on ruled lines. If not, it is invalid.

R. Minyomi b. Hilkiyah says, in the name of R. Hama b. Goria, who said it in the name of Rab, a mezuzah that is not written on ruled lines is invalid. Moreover, R. Minyomi b. Hilkiyah says that the rule for writing on ruled lines is a law handed to Moses at Sinai. Tannaim differ on this point, for it was taught: R. Jeremiah said, in the name of our Master: Tefillin and mezuzot may be written from memory and need not be written on ruled lines. The halakah is that tefillin need not be written on ruled lines but the mezuzah must be written on ruled lines. (B. Menahot 32b; see also B. Megillah 18b; M.T., Mezuzah, I:12)

9. The lines are to be written evenly.

Rabba b. Bar Hana says, in the name of R. Johanan, that if the mezuzah is written with lines of unequal length consisting of two words, three words, and one word it is valid provided it is not in the form of a tent nor tail-like. (B. Menahot 31b; see above section 2; also M.T., Mezuzah, V:1)

10. The words al ha aretz, "above the earth" (Deut. XI 21)

are to be at the beginning of the last line. Nothing else is to be added to that line.

R. Hisda says: The words "above the earth" must be alone on the last line. Some say that they are to



be at the end of the line, while others say at the beginning. Some say at the end of the line because it is written, "As the heaven is far above the earth." (Ps. CIII:11) Since the word "heaven" is the last word on the penultimate line, if "above the earth" is placed at the end of the last line, then the word "heaven" would be over the word "earth".

The others say that since heaven is far from the earth, the farthest distance is to be obtained by placing "the earth" at the beginning of the last line and "heaven" at the end of the penultimate line. (B. Menahot 31b)

The words al ha aretz can be placed either at the beginning or at the end of the last line. (M. T., Mezuzah, V:5)

11. It has been the custom to write the mezuzah in twenty two lines.

The following are the words in order, which begin each of the lines: Shema, Adonai, hadvarim, levanka, uvshokbeka, ben, vehaya, mitzvah, bechol, yoreh, esev, pen, vehishtahvitem, hashamayim, va'adetem, vesantem, otam, otam, vaderak, uvishareka, asher, al haaretz. (Tur., Y.D., 288; M.T., Mezuzah, V:5)

12. The mezuzah is to be written with the right hand, as are tefillin.

It is to be written with the right hand even though one is capable of writing with the left hand. If it is written with the left hand it is invalid. (S.A., O.H., 32:5) If tefillin, a mezuzah or a Torah are written with the left hand they are invalid. (Hag. Maim. to M.T., Tefillin, II:1)

13. It is an act of piety to separate the section beginning "Hear O Israel" from that beginning "If, then, you obey" by a "closed" space (a blank of nine letters). If the space is "open" (the second section beginning a new line) the mezuzah

is valid, since, in the Torah, the second section does not immediately follow the first. (M.T., Mezuzah, V:2)

R. Nahman b. Isaac says that the precept is to leave the space between the sections closed, nevertheless, if it is left open it is valid; for when R. Simeon b. Eleazar spoke of leaving the space between the sections open, he meant, "even if it was left open". (B. Menahot 32a)

A closed section has three forms: 1. If the previous section ended within the line, the scribe leaves a blank space large enough to write nine letters and begins the closed section at the end of the line, provided that there is a blank space between it and the preceding section. 2. If the completion of the previous section did not leave space for the blank of the required breadth and for writing (at least) one word at the end of the line, the scribe is to leave the remainder of the line blank, leave a little space at the beginning of the next line blank, and begin the closed section within the line. 3. If the previous section ended at the close of the line, he leaves a blank space of the required breadth at the beginning of the next line and begins to write the closed section within the line. (M.T., Sefer Torah, VIII:2)

Concerning the form of a closed section, there is a difference of opinion between Rosh and RMBM. R. Joseph Karo suggests how to satisfy both positions. (S.A., Y.D., 275:2) The scribe is to finish the previous section at the beginning of the line, he leaves a space large enough for nine letters and begins to write the closed section at the end of the line. However, in the case of the mezuzah, we cannot follow R. Joseph Karo's suggestion, since the first word of the second section (vehaya) is to begin the seventh line. Therefore, we are to accept the advice of R. Moses Isserless (S.A., Y.D., 275:2) who says that if we cannot satisfy the positions of Rosh and RMBM, we follow the ruling of RMBM. (ShaK, S.A., Y.D., 288 (10))

Therefore, in order to have a closed section, which is preferable since it is an act of piety, and to be able to write vehaya at the beginning of the seventh line, the scribe is to leave the remainder of the sixth line blank, leave a little space at the

beginning of the next line blank and begin the closed section within the seventh line. (M.T., Sefer Torah, VIII:2)

14. The mezuzah is rolled from the end of the line (i.e., starting at the left side) to the beginning.

R. Helbo says that R. Huna rolls up the mezuzah beginning at "one" and finishing at "Hear". (B. Menahot 31b)

RMBM says it is done in this manner so that anyone opening it is able to read it from the beginning to the end of the line. (M.T., Mezuzah, V:6)

15. It is forbidden to add even a single letter in the mezuzah. However, it has become the custom to write the word Shaddai on the other side, opposite the word vehaya which is inside.

Others say that the word Shaddai is written on the other side but opposite the blank space between the sections. (RaMA, ad locum, quoting from M.T., Mezuzah, V:4; see also Tur, Y.D., 288; "Mordecai", Halakot Ketanot)

Since the word Shaddai is written on the outside, the practice is unobjectionable. They, however, who write names of angels, holy names, a Biblical text or inscriptions usually found on seals, within the mezuzah, are among those who have no portion in the world to come. For these fools not only fail to fulfill the commandment but they treat an important precept that expresses the unity of God, as if it were an amulet to promote their own personal interests; for according to their foolish minds, the mezuzah is something that will secure for them advantage in the vanities of the world. (M.T., Mezuzah, V:4)

Despite RMBM's reproof it has become the custom to write the letters kaff, vav, zayin, vav; bet, mem, vav, kaff, samek, zayin; kaff, vav, zayin, vav on the outside, opposite the words Adonai Eloheinu Adonai. (See Tur, Y.D., 288) If one were to take the letters which in the regular alphabetical order,

immediately precede each of these letters (e.g., for  
kaff take yod, for vav take he, etc.) the words  
Adonai Eloheinu Adonai would be spelled out. (ShaK,  
ad locum, (11))

CHAPTER FIVE: WHERE THE MEZUZAH IS TO BE AFFIXED AND THE  
BLESSING TO BE RECITED.

1. After it has been rolled up, the mezuzah is placed in a cylinder of reed, wood or other material and is affixed to the doorpost. The blessing to be recited is, "Praised art Thou, O Lord our God, Ruler of the world, who hast sanctified us by His commandments and commanded us to affix the mezuzah."

The blessing is not said at the time when the mezuzah is being written, because the affixing of it constitutes the fulfillment of the commandment. (M.T., Mezuzah, V:7, based on B. Menahot 42b)

The blessing Sheheheyanu is not recited when a mezuzah is affixed because that is not an occasion which recurs periodically. The commandment is to affix the mezuzah. The blessing is recited when the commandment is being fulfilled. (ShaK, ad locum, (1), quoting Perisha to Tur, Y.D., 289)

Only one blessing is recited even if more than one mezuzah is being affixed. (B. Jos., Tur, Y.D., 289, quoting from the Responsa of RaShBA)

2. The mezuzah is to be affixed to the lowest part of the upper third of the doorpost. If placed higher it is valid provided it is a handbreadth lower than the lintel. It is to be affixed on that doorpost that is on the right as one enters (even if one is left handed). If placed on the left side it is invalid. (M.T., Mezuzah, VI:12)

R. Zera says, in the name of R. Mattena, who said it in the name of Samuel, that the proper performance of the precept is to affix the mezuzah to the

lowest part of the upper third of the doorpost. But R. Huna says that it is to be placed within that area that is one handbreadth from the ground and one handbreadth from the lintel. The following objection was raised. R. Jose says that it is written "You will bind them" (Deut. VI 8) and "You will inscribe them" (ibid. 9); as the binding of the tefillin is high up, so the mezuzah is to be placed high up. R. Huna agrees with R. Judah, but with whom does Samuel agree? R. Huna b. R. Nathan says that he agrees with R. Jose, for by the 'lowest part of the upper third' he meant that as the furthest point, for one is not to affix it lower than the upper third of the doorpost. (B. Menahot 33a - 33b) But, if the doorway is extremely high, the mezuzah is not to be placed above one's shoulders, otherwise it will not be seen. (B.H., ad locum, quoting from "Mordecai"; see also BaH. and B. Jos., Tur, Y.D., 289)

When R. Papa came to Mar Samuel's house, he saw one doorpost, and that on the left side, to which a mezuzah was affixed. R. Meir says that a doorway with only one post must have a mezuzah. But did not R. Meir mean that only when the doorpost is on the right side? How do we know this? It was taught: "Upon the doorposts of your house", (Deut. VI 9, the word beteka "your house" is being interpreted as biatoka "your entering") which means, upon the right side as you enter. Rabbah explains, 'as you enter' implies the right foot, for when a man steps into his house he steps with his right foot first. However, R. Samuel b. Aha, quoting Raba b. Ulla, derives it from the following verse: "And Jehoiada the priest took a chest and bored a hole in the lid, and set it beside the altar on the right side as one enters the House of the Lord, and the priests that kept the threshold put therein all the money that was brought into the House of the Lord". (II Kings XII:10, therefore whatever is to be placed at the entrance of a house is to be placed on the right side.) (B. Menahot 34a)

If one affixed the mezuzah on the doorpost, but behind the door, according to R. Jacob b. Asher (Tur, Y.D., 289) and R. Isaac Alfasi it is valid. RMBM rules it invalid. (M.T., Mezuzah, V:8) Jews who live in cities in which the majority are non-Jews, and who fear that non-Jews might attempt to desecrate the Holy Writing, can follow the ruling of R. Jacob b. Asher



and R. Isaac Alfasi, and affix the mezuzah behind the door. (ShaK, ad locum, (3))

Even if all the members of the household are left-handed, the mezuzah is still affixed to the right side, because the individual's body is not considered, as it is in the case of tefillin. (ShaK, ad locum, (5), quoting S.A., O.H., 27:6; B. Jos. (in the name of "Mordecai"), Tur, Y.D., 289)

3. If a partition, which divides a house into two apartments, has within it a doorway leading to both apartments, the position of the hinges determines the side on which the mezuzah is to be affixed. The side on which the hinges are visible is regarded as the dwelling in reference to which the position of the mezuzah is decided. (M.T., Mezuzah, VI:11)

Rab Judah, in the name of Samuel, says that we are guided by the hinges. R. Adda defines the hinges as the sockets for the pin of the hinge. Under what circumstances are we guided by the hinges? When there is a door leading to two apartments. In this case it is difficult to determine which house leads into the other and on which doorpost the mezuzah is to be affixed. We are therefore guided by the hinges. That side of the door on which the hinges are placed is considered the inside. Accordingly, the mezuzah is to be affixed to the right doorpost as one enters that apartment inside which the hinges are found. (P. Menahot 332)

In the case of a doorway leading from the main house to the winter house, we do not consider the hinges. The mezuzah is placed on the right side as one enters the winter house. (ShaK, ad locum, (5), quoting from B. Jos., Tur, Y.D., 289)

4. The cylinder into which the parchment is placed is attached to the doorpost with nails, or else a cavity is hollowed out in the doorpost into which the mezuzah is inserted. (See Tur, Y.D., 289; M.T., Mezuzah, V:6) If the cavity is deeper than a handbreadth it is invalid.

R. Joseph b. Raba, in the name of Raba, states that if one sets the mezuzah deep in the doorpost, to a depth of more than a handbreadth it is invalid. (B. Menahot 33b)

A Tanna teaches: If a man set up a doorframe of hollow reeds, he may cut away a length of reed and place the mezuzah in the hollow. (Ibid.)

The mezuzah can be affixed temporarily without nails. (Shak, ad locum, (7), quoting BaH., Tur, Y.D., 289)

5. If one affixes a mezuzah on a post which is not attached to a doorway but which will be used later as part of a doorway it is invalid.

R. Aha b. Raba says that if a man first cuts away a length of reed and places therein a mezuzah and then sets up the whole as a doorframe it is invalid. (B. Menahot 33b) The affixing of the mezuzah is not to precede the erection of the doorpost. (M.T., Mezuzah, V:8)

6. The mezuzah is to be affixed upright, with its length parallel to the length of the doorway.

Rab Judah, in the name of Rab, rules that if one affixes a mezuzah horizontally it is invalid. But when R. Isaac b. Joseph came from the land of Israel he reported that all the mezuzot in Rabbi's house (i.e., R. Judah HaNasi) were affixed in a horizontal position, and also the door through which Rabbi entered the bet ha midrash had no mezuzah. There is no contradiction, for in the one case it was attached horizontally, which is invalid, in the other case, it was bent at right angles (i.e., partly horizontal and partly vertical) which is valid. (B. Menahot 33b)

There are authorities who rule that the mezuzah is to be affixed horizontally with its length parallel to the width of the doorpost. (Tur, Y.D., 289, quoting Rabbenu Tam) There are others who try to satisfy both positions and rule that the mezuzah is to be affixed in a diagonal line, with the top part facing inward toward the door. This is the custom that is followed (in the Ashkenazic communities).



(RaMA, ad locum, quoting Terumat Ha Deshen, R. Israel  
Isserlein, Ch. 52)

CHAPTER SIX: A MEZUZAH IS NOT TO BE WRITTEN ON THE MARGINS  
OF A TORAH SCROLL

1. A Torah scroll or tefillin that have become worn out are not to be used for mezuzot. Nor may margins cut off from a Torah scroll be so used, for anything dedicated to a sacred purpose may not be degraded from a higher degree to a lower degree of sanctity. (M.T., Mezuzah, V:1)

It is permissible to repair a Torah scroll itself (i.e., from its own parchment) if it is impossible to repair it in any other manner, for by not fixing it from its own parchment it would have to be concealed. If it is possible to repair the Torah using other material, even if the Torah scroll is made of gewil and the only available material to be used to repair it is kelaf, he is to use the kelaf and not use its own parchment. It is not forbidden to repair the outside of the Torah scroll with kelaf. (RaMA, ad locum, quoting from the Responsa of MaHaRAM of Padua, Ch. 84)

CHAPTER SEVEN: WHEN THE MEZUZAH IS TO BE EXAMINED.

1. Mezuzot affixed to private houses are to be examined twice every seven years. Mezuzot affixed to public buildings are to be examined twice every fifty years. (See B. Yoma 11a)

The object of the examination is to ascertain whether a letter has been torn away or obliterated; because mezuzot affixed to doorposts are liable to decay. (M.T., Mezuzah, V:9)

2. If one rents a house to another, the duty devolves upon the lessee to affix a mezuzah and to prepare a place for it to be affixed, even if he has to pay for doing so. When surrendering possession the mezuzah is not to be removed and taken away, unless the owner of the house is a non-Jew. (See B. Baba Metzla 101b)

The commandment concerning the mezuzah is the obligation of the occupant and not an obligation connected with the dwelling. (M.T., Mezuzah, V:11)

R. Shesheth was asked: Who is to provide the mezuzah? Did not R. Mesharsheya say that the obligation of the mezuzah devolves upon the occupant? Who is to provide the place for the mezuzah? R. Shesheth replied: What does not require a skilled worker is to be done by the tenant. Since this requires no skill the tenant is obligated. (B. Baba Metzla 102a)

If one rents a house on the assumption that a mezuzah has already been affixed, and none has been affixed, this is not a purchase-in-error (justifying a rupture in the tenant-landlord relationship). Since the tenant is not to remove the mezuzah when he leaves, (unless the owner is a non-Jew) the monetary value of the mezuzah is to be given to him if he insists. (B. Jos., Tur, Y.D. 291)

It is forbidden to give a mezuzah to a non-Jew even if he asks for it in order to affix it to his doorpost. (Responsa of MaHaRIL) If, however, the refusal of such a request might lead to open hostility

then the mezuzah is to be given to the non-Jew.  
(RaMA, ad locum)

The lessee is under obligation to put up a protective railing, to affix a mezuzah and to prepare the place where the mezuzah is to be affixed.  
(S.A., H.M., 314:2)

The lessee is to remove the mezuzah if the next tenant is a non-Jew. (ShaK, ad locum (3))

3. The fulfillment of the commandment of the mezuzah is incumbent upon all Jews, including women, and slaves (of Jews). Children under the age of thirteen years are to be taught how to affix the mezuzah. (See M.T., Mezuzah, V:10)

Is it possible to think that women might be exempt from the mezuzah? You might say that because it is equated with the study of Torah, women are exempt. We learn that this is not so. (B. Berakot 20b)  
The commandment concerning the mezuzah is a positive commandment, which is not dependent upon time. All, women, children, etc. are to benefit therefrom.  
(ShaK, ad locum, (4))

## CHAPTER EIGHT: SELECTIONS FROM THE RESPONSA.

### 1. The Synagogue and the Obligation of the Mezuzah.

The questioner has found a difficulty in the formulation of Maimonides. In M.T., Mezuzah, VI:6 RMBM states that "The Temple Mount, the cells and courts, synagogues and houses of study not containing dwellings are exempt from the obligation of the mezuzah because they are sacred".

In the Talmud (B. Yoma 11b-12a) the exemption of the synagogue is not based on the consideration of the principle of sanctity, but on the grounds that a synagogue does not come under the category of "your house" (Deut. VI 9), and it is because of this latter reason that the village synagogue is obligated.

Now the questioner has explained the halakah in regard to the village synagogue on the ground that such (village) synagogues may be sold (B. Megillah 26a) they can therefore be classified as "your house".

Another difficulty raised was that since the sanctity of a synagogue is only Rabbinic (not from the Torah) how can it be exempted from the obligation of the mezuzah?

In his reply, R. Moses Sofer points out that according to R. Isaac Alfasi, the important distinction between village and city synagogues lies in the fact that generally village synagogues, unlike city synagogues, contain residential apartments. That they may be sold is irrelevant.

The text of the Talmud (B. Yoma 11b-12a) is to be explained as follows: The cells and courts are exempt, whereas the cell of the High Priest is obligated. Yet, from the viewpoint of sanctity, the latter is as sacred as the former. The cell of the High Priest is obligated because it contains a dwelling. One might say that since the cells and courts do not have dwellings they are, like a synagogue, to be exempted from the obligation of mezuzah regardless of their sanctity, for according to the explanation given in the Talmud (B. Yoma 11b) regarding the synagogue that contains a dwelling for the synagogue attendant, it would be the opinion of RMBM and R. Isaac Alfasi that it is not the sanctity of the edifice that is determinative of the obligation of the mezuzah, but the fact that the edifice is a private secular dwelling and not the House of God.

Therefore the Biblical words "Your house" (Deut. VI 9) apply to any building that serves as a private dwelling; but not to a synagogue in which God alone dwells.

To sum up: a synagogue that contains an apartment for the synagogue attendant or, generally, any village synagogue having a private dwelling is under the obligation of mezuzah. Generally, city synagogues that do not have private apartments are exempt from the obligation. (Responsa of R. Moses Sofer, Yoreh Deah, 281)



## 2. The Mezuzah or Tefillin; The Mezuzah or Sukkah?

Two problems are discussed in the responsum by R. Akiba Eger. If one cannot afford both tefillin and a mezuzah, which has the prior claim? What if the choice is between a sukkah and a mezuzah?

In discussing the text of J. Megillah (Ch. III, end) R. Akiba Eger points out that R. Huna claims priority for tefillin (over the mezuzah) because the obligation of the tefillin devolves upon the male Jew wherever he is, whereas the obligation of mezuzah does not devolve upon the traveler. R. Huna could also have argued that from the viewpoint of Torah law, a Jew is not obligated to affix a mezuzah if he lives in a rented dwelling, and he is not obligated to purchase a dwelling in order to affix a mezuzah.

Samuel, who opposes R. Huna, gives priority to the mezuzah because it is obligatory on Sabbath and Festivals (tefillin are not). Now by this Samuel does not mean to say that since the commandment relating to the mezuzah is not dependent on time it devolves upon both men and women, but rather that the obligation of mezuzah is to be observed at all times (tadir).

In differing with Samuel, R. Huna gives priority to tefillin because the obligation to don phylacteries is a mitzvat ha-guf, a personal duty, a category higher than the category of constancy (tadir).

On the basis of R. Huna's arguments (J. Megillah Ch. III, end) one might be tempted to conclude that between the obligation of sukkah and mezuzah, the obligation of sukkah takes precedence because sukkah is also a personal duty that cannot be avoided, whereas one is excused from the obligation of mezuzah under certain circumstances. Yet there is another factor to be considered.

In the argument between Samuel and R. Huna, (J. Megillah Ch. III, end) the former states that mezuzah possesses a higher sanctity than tefillin, for worn-out tefillin may be used in the making of a mezuzah, whereas a worn-out mezuzah is not to be used in the making of tefillin. R. Huna's viewpoint prevails in the halakah, and in a baraita of the Babylonian Talmud (B. Shabbat 79b) he adduces the criterion of superior sanctity for tefillin as compared with mezuzah (contrary to Samuel's position in J. Megillah Ch. III). Thus if we are to consult the criterion of sanctity and follow R. Huna, the obligation of tefillin is prior to that of mezuzah, and, by the same standard, the obligation of mezuzah (which is classified as an implement for sacred things - tashmishe Kedushah) is prior to that of sukkah, because the latter is only an object for a religious ceremonial (tashmishe mitzvah) and does not come under the rubric of sanctity.

The issue between R. Huna and Samuel is the same issue debated by Raba and R. Huna b. Jehudah in B. Zebahim 91a:

Is precedence to be accorded to that obligation which is constant (tadir) or to that obligation which is sacred (Mekudash)? Raba distinguishes between that which is constant and that which is common or frequent in occurrence (matsui). R. Huna b. Jehudah, on the other hand, identifies the frequent with the constant. Now one can say that Samuel maintains the same viewpoint as R. Huna b. Jehudah, that the commandment that is observed more frequently (matsui yoter) is to be referred to as constant (tadir). Therefore, the obligation of mezuzah is prior to the obligation of tefillin, since it is constant vis a vis tefillin. (It is observed even on Sabbaths and Festivals, and while it is not observed under all circumstances, and is not obligatory on travellers, it is observed more frequently than tefillin.)

R. Huna, on the other hand, holds with Raba, that what is frequent is not to be equated with what is constant and therefore one may say that the obligation of tefillin has a stronger claim to the term constant since it is obligatory on all weekdays, whereas it is possible that under certain circumstances a Jew will not be obligated to affix a mezuzah during the entire year.

In view of the statement in B. Zebahim 91a that the question is not decided as to which criterion - holiness or constancy - takes precedence, one is to decide with R. Huna that the obligation of tefillin is prior to that of mezuzah

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since it is constant by comparison with mezuzah and according to B. Shabbat 79b, claims greater sanctity.

As between sukkah and mezuzah, if one holds with Raba that mezuzah comes under the rubric of frequent but not constant, then sukkah is to be given priority because at a certain period in the year, sukkah comes under the strict interpretation of constant. If, however, one says with R. Huna b. Jehudah that frequent can be equated with constant, then mezuzah is to be given priority because it is observed more frequently than sukkah. Here, then, the choice is open.

(Responsa of R. Akiba Eger No. 66)

### 3. Jewish Tenant of Non-Jewish Landlord.

"A", a non-Jew has leased a cellar to "B", a Jew, with the stipulation that "A" will retain the right to store his property therein. "B" is to furnish the key to the premises to "A" on the latter's request.

Such an arrangement raises the question as to whether "B" is obligated to affix a mezuzah to the cellar door. If we say that by the act of hiring "B" has acquired possession of the cellar for the period of the lease (sekirut kanya), then the premises come under the legal definition of "Your house" (Deut. VI 9) and "B" is obligated to affix a mezuzah. Since, however, the landlord "A" has stipulated that the cellar is to be available to him for his storage purposes, the legal relationship between "A" and "B" is that of joint-holder and "B" would then be exempt from the obligation of the mezuzah. The Biblical words "That your (2nd person plural) days...." (Deut. XI 21) extends the obligation of mezuzah only to Jewish joint-holders. (RaMA to S.A., Y.D., 286:1; Ture Zahab, ad locum, ShaK, ad locum)

Rabbi Akiba Eger points out that at first glance the Jew "B" would appear obligated since the normative position is that hiring does not give the tenant possession (sekirut lo kanya). Since "B" is more frequently on the premises than "A", who is dependent on "B" for the key, it would appear to the outside observer that "B" is the owner and therefore, after thirty days, "B" is obligated by Rabbinic law to affix

mezuzah for appearance sake, since "B" appears to be the owner.

Nevertheless we must not permit ourselves to reason that because of his dependence on "B" for the key "A" appears not as a joint-holder, but only as a hiring tenant. For it might be said with equal cogency (by those who do not know the facts) that when "A" and "B" purchased the property as joint-holders they agreed that "B" was to be entrusted with the key. Furthermore, since one who hires from a non-Jewish landlord is exempt in Torah law from the obligation of the mezuzah, and is obligated only by Rabbinic law. (Hagahot Maimuni to M.T., Mezuzah, 5:11) We are not to apply the rigors of Rabbinic law in this case. Another ground for leniency is the consideration that "A" might accuse "B" of employing the mezuzah for sinister magical purposes. (ShaK to S.A., Y.D., 286:23)

(Responsa of R. Akiba Eger, No. 66)



## ABBREVIATIONS

B.	Babylonian Talmud
BaH.	Bayit Hadash
B.H.	Be'er haGola
B. Jos.	Bet Joseph
Deut.	Deuteronomy
e.g.	For example
Ex.	Exodus
Hag. Maim.	Hagahot Maimuni
H.M.	Hoshen haMishpat
i.e.	That is
J.	Jerusalem Talmud
Kes. Mish.	Kesef Mishneh
MaHaRAM.	R. Meir Katzenellenbogen, Padua
MaHaRIL.	R. Jacob b. Moses haLevi Moellin
M.T.	Mishneh Torah
O.H.	Orah Hayim
Ps.	Psalms
R.	Rabbi
RaMA.	R. Moses Isserles
RaShBA.	R. Solomon b. Adret
Rashi.	R. Solomon b. Isaac
RMBM.	R. Moses b. Maimon.
Rosh.	R. Asher b. Jehiel
S.A.	Shulhan Aruk
SeMAG.	Sefer Mitzvot ha Gadol
ShaK.	R. Shabhetai b. Meir hakohen

s.v. . . . . under the word

Y.D. . . . . Yoreh Deah

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