

Hilchos Mezuzah

Yoni Rabinovitch

Introductory Points	3
Introduction	3
Hashkafa of and Protection Afforded By Mezuzah	4
Establishing When You Do and Don't Have a Chiyuv	7
Which Types of Rooms/Homes Require a Mezuzah?	7
Shutfus and Fear of stolen mezuzah (MOVE SOMEWHERE):	7
Places One Doesn't "Live" In	8
Mekomos of Kedusha	12
Places Where There Will be a Bizayon to the Mezuzah	13
Beis Sha'ar, Chatzeiros, Gardens, and Stairways	16
Room Sizes + Arrangements For חיוב Mezuzah	20
Measuring 4 x 4 Amos	20
Walk-in Closets and Pantries	22
Elevators	24
Doorway Requirements to be Chayav in Mezuzah	25
10 Tefachim tall	25
Width of 4 Tefachim + Archways	25
Doorposts	25
Mashkof/lintel	27
Do You Need An Actual Door?	27
A Doorway That's Not an Entranceway	27
Sechirus/Rentals	28
Procedure for Putting Up The Mezuzah	32
Overview	32
Where to Place the Mezuzah	32
The Right Side and How That's Determined	32
Height of the Mezuzah	34
Placement Within the Doorframe	36
Types of Doors	38
Who Can/Should Put Up the Mezuzah?	39
How is the Mezuzah Placed?	40
Rolling and Placement of the Mezuzah in Its Case	40
The Shem י-ש-ד	40
Attaching the Mezuzah to the Wall	41
Slanting the Mezuzah	42
The Bracha	43
Conditions to make a Bracha:	43
Text of the Bracha	43
Specifically During the Ma'aseh Mitzvah	44
Making a Bracha on Mezuzos that are Already Up	44
Bracha After Taking Down Mezuzos or Checking Them	46
If the Mezuzah Fell Down	46
Replacing One Mezuzah with Another	46

Hefsek Between Putting Up Multiple Mezuzos	47
Purchasing, Maintaining, and Keeping One's Mezuzos	48
How To Buy a Mezuzah	48
Checking Mezuzos + Switching to Other Doors	49
Taking Mezuzos After Leaving House	52
Exceptions to this rule	52
Charging for Mezuzos when you leave:	53
Miscellaneous	54
Prioritizing Mezuzah vs. Tefillin and Other Mitzvos	54
Giving or Selling a Mezuzah to a Nochri	54
תעשה ולא מן העשוי	55

Introductory Points

Introduction

- I. A single pasuk in Shema + Vehaya (**Devarim 6 + 11**) teach all the dinnim in hilchos mezuzah -- ובשעריך -- וכתבתם על מזוזות ביתך. Most of the dinnim are in **Yoma Daf 11-12** and **Menachos 31-34**.
- II. Women and men are equally חייב in this mitzvah (**SA 291:3**) since it's גרמא אין הזמן גרמא.
- III. One is constantly fulfilling a mitzvas asseh whenever they have a mezuzah on their home and doorways. Conversely, someone who is chayav in mezuzah and doesn't put it up is being mevatel a mitzvas asseh every moment (**SHC 423, Mordechai 944, ARUH 5, + others**). The חיוב begins the moment one begins living in their house (**Chovas HaDar 3:1**).¹
 - A. For this reason, **CB Beiurim pg. 122** notes that if for whatever reason you didn't have a mezuzah up, when you get the new one, you have to be mezarez yourself to put it up. **Inside Stam** tells the story of an Adam Gadol who very calmly spoke with R' Mendlowitz (the author) about choosing from a selection of Mezuzos to buy, and the moment he made his purchase, he immediately ran "like a little boy" to put up the mezuzah.
 1. However, **Da'as Kedoshim 286:2** says any עסק in the הכנת המצוה (like being mehader, strengthening the connection to the wall, or preparing for the kavana of the mitzvah) is fine.
- IV. Must one leave their home if it doesn't have a mezuzah?
 - A. **Pischei Teshuva 285:1** from **PMG 38** says that one has a chiyuv to leave their dirah if they notice it's chayav in mezuzah and doesn't have one. On Shabbos, one has to go to a different home if they have one, but not if they don't. Similarly, on Chol, one has to find a mezuzah immediately, but if there are none in the city, one can be meikil to live there until they're able to put up a mezuzah. There's no such ענין with respect to temporarily living/sleeping in someone else's home, as it's not your חיוב (**Chovas HaDar 1:fn. 22** beshem **Sdei Chemed**)
 - B. However, **CB 285:1** notes that the requirement to leave the house is really a machlokes Rishonim and acharonim, and is תלוי on the lomdus of the חיוב:
 1. **MA 19 + PMG OC 38:AA:15** (quoted by **PT + ARUH**) think one is only חייב when he is actually living in the house, but פטור once he walks out of the house. [They think there's an Issur דרבנן to live in the house even when it's impossible to put up the mezuzah (e.g. on Shabbos), so long as one has another place they could go to.]
 - a) The **Ritva 11b** from **Ri + Mordechai** quoted by **MA ibid.** clearly hold this way.
 2. Many poskim disagree and think one is חייב even when not in the house, so long as one *intends* to live there (**SHC 423, many Geonim** quoted in **CB tziyun 23 + Giddulei Hekdesh 1**). According to this, there's no extra Issur in living in the house when you don't have a mezuzah, since you're being mevatel the mitzvah either way. **Rav Elyashiv in Ashrei Ha'ish 64:10 + Shevet Halevi 4:143** seem to paskin this way.
 3. As such, lichorah one should avoid staying there if possible, but there's room to be meikil to live there until you get mezuzos if you're really stuck.

¹ However, see below that one has 30 days if one is just renting their home/apartment.

Hashkafa of and Protection Afforded By Mezuzah

- I. Some of the ma'alah's of fulfilling mitzvas mezuzah:
 - A. **Shabbos 23b**: One who is careful about this mitzvah is זוכה לדירה נאה.
 - B. **Chovas HaDar Intro** notes the similarity between tefillin and mezuzah that both require us to affix the parshiyos of shema to something (arm or doorpost). He suggests that the same way tefillin is meant to remind us to be *meshabed* our *ta'avos* and *machshavos* to הקב"ה, so too mezuzah teaches us to be *meshabed* all of our worldly possessions to הקב"ה.
 - C. **SA 285:1** says that one who is zahir in this mitzvah will have long life for them and their children, and one who isn't have ח"ו the opposite, since the pasuk says למען ירבו ימיכם ימיכם בניכם.
- II. **SA 286:2 Onklos** touched mezuzah. Based on this, the minhag developed to kiss the mezuzah. In SA, it says one should just put their hand on the mezuzah, but **Chayei Adam 15 + Kitzur SA end of 11** both say to kiss it.
 - A. It's a good reminder for what the Mezuzah is supposed to accomplish, like **Rambam** says. It seems from the poskim that the idea is specifically when leaving your house, and not when just going from room to room (see **Chayei Adam's** Lashon + **CB 26**).
- III. Protection of the house and the people inside:
 - A. See **AZ 11a²** that mezuzah protects those inside. Onkelos got people to convert through this concept. This is also spelled out in **Menachos 33b** that הקב"ה משמרן through mezuzah.
 - B. Is this the point of the mitzvah, or just a side benefit? How does this work?
 1. **Rambam 5:4³ quotes Geonim (Yereim)** that this was the purpose of mezuzah. They added pesukim of shmirah and treated it like an amulet. **Rambam** is very against this. He says pretending the point of mezuzah is that it's a magic amulet is, in his words, stupidity. The essence of the mitzvah is to remind us of Hashem, to love him, and to serve him.
 - a) **Rav Schachter** is fond of quoting **R' Bakshi-Doron's** teshuva called, "תמים" (EH 57) where he bemoans the recent practice that whenever anyone has any tzarah, instead of being מנפיש במעשיו like the gemara says, they check their mezuzahs and change their kesubahs.
 - (1) There was a man in France who was going around making parnassah by "fixing" everyone's issues by passuling their kesubah's, announcing that the wife had a new name, and writing a new kesubah. He was showing everyone a haskamah from Rav Vosner. **R' Bakshi-Doron** asked **Rav Vosner** what the story was, and he explained that he just wrote a letter saying it's good to correct passul kesubahs and write new ones. But he never recommended to change names or to do so without a beis din. He says he's sent to this "Rabbi" in France many letters to stop his ways, but he doesn't listen.
 - b) So then what's the gemara in AZ + Menachos mean? **R' Bakshi-Doron in 2:51** explains that although mezuzah *does* act as a shmirah, the main point of the

² אמר להו מנהגו של עולם מלך בשר ודם יושב מבפנים ועבדיו משמרים אותו מבחוץ ואילו הקב"ה עבדיו מבפנים והוא משמרן מבחוץ

אבל אלו שכותבין בה מבפנים שמות מלאכים, או שמות קדושים, או פסוק, או חותמות--הרי הן בכלל מי שאין להן חלק לעולם הבא: שאלו הטיפשים, לא די להם שביטלו המצוה; אלא שעושין מצוה גדולה, שהיא ייחוד שמו של הקדוש ברוך הוא ואהבתו ועבודתו, כאילו היא קמיע להניית עצמן, כמו שעלה על ליבם הסכל שזה דבר המהנה בהבלי העולם.

mezuzah isn't about shmirah, but about remembering Hashem all the time. The **Rambam's last halacha in Hilchos Mezuzah**⁴ sums up its point. See also **Ramban end of Bo**.

2. So how do the benefits work? There are really two legitimate approaches:
 - a) **R' Bakshi-Doron** quotes **Kesef Mishnah**, **Sdei Chemed**, and others, that when we say being **זהיר** in the mitzvah gives these protections, that means that by fulfilling the mitzvah, and by thinking about Hashem constantly, like the Rambam here says, we're protected. We're guaranteed that whenever we do mitzvos properly and if we have Hashem on our mind, we're protected and will live long.
 - (1) **Rav Schachter** regularly explains that this as the pshat. As such, that means that one's intentions have to be for the purpose of the mitzvah – to remember Hashem, to love Him, and to serve Him. But if you put it up as an amulet without these intentions, none of these segulos will work.
 - b) However, **R' Bakshi-Doron** notes that it's clear the **Yerushalmi Pe'ah 1:1** didn't hold this way, as Arveon, a non-Jew, sent Rebbe an expensive gem, and asked Rebbe Yehuda Hanassi for something valuable in return. He sent a mezuzah, and when Arveon got upset, Rebbe explained that if he puts it up, he'll be protected. It's clear mezuzah in its own right is thus shomer since a non-Jew has no mitzvah of mezuzah! **Rashi Pesachim 4a** sounds this way, as does the **She'iltos 145** + others.
 - (1) See also **Taz on SA 285:1** that the mezuzah protects even when not osek in the mitzvah, but even when you're sleeping (and obviously not explicitly thinking about Hashem), it protects you. **IM YD 2:141** quotes much of the above and emphasizes this approach is legitimate.
 - (2) **Rav Lebowitz** argued most meforshim seem to take this approach, and not like the Rav Schachter mehalech.
- C. What's the shmirah from? **Rav Moshe 2:141:3** argues that the shmirah is specifically from Mazikin, and there's no mekor that it protects from ganavim. **Inside Stam fn. 409** adds that **Zohar Va'eschanan pg. 266** sounds like Rav Moshe.
 1. **Rav Reisman** noted he's not sure how that fits with **BY** (mentioned by **Taz 285:1**) who says that mezuzah is a form of **neis nigleh**; how is shmirah from Mazikin so nigleh if ganavim still rob you? Similarly, **Inside Stam fn. 409** says it doesn't sound this way from other poskim, and **Maharsha on Shabbos 63a כל המגדל ד"ה** explicitly disagrees.
- D. There's also a longstanding Minhag to check Mezuzos when something bad happens. See the sho'el in **Shu"t Maharil 94⁵ + Karaina De'igresa 1:169** (with respect to a town that many people were dying in strange ways at a young age). **Inside Stam** (sefer) similarly has some incredible stories of people whose **פסול Mezuzos** seemed directly correlated with their tzaros. Whether this is the Mazikin or not, it seems that kasher Mezuzos protect from various misfortunes.

⁴ וכל עת שייכנס וייצא, יפגע בייחוד שמו של הקדוש ברוך הוא--ויזכור אהבתו, וייעור משניתו ושגייתו בהבלי הזמן; וידע שאין שם דבר העומד לעולם ולעולמי עולמים, אלא ידיעת צור העולם, ומיד הוא חוזר לדעתו, והולך בדרכי מישרים. אמרו חכמים, כל מי שיש לו תפילין בראשו ובזרועו, וציצית בבגדו, ומזוזה בפתחו--מוחזק לו, שלא יחטא: שהרי יש לו מזכירים רבים; והן הן המלאכים שמצילין אותו מלחטוא, שנאמר "חונה מלאך ה' סביב, ליראיו; ויחלצם" (תהילים לד, ח).

⁵ שו"ת מהרי"ל סימן צד
ועתה לבי נוקפי דשמא מחמת שלא הייתי זהיר באותה מצוה עברו עלי הרפתקי, ובדקתי מזוזות ביתי וקבעתי בשנוי בג' ענינים. וסהדי במרומים דלא לטול השם איכווין רק לחבב המצות.

- E. Does a more mehudar mezuzah provide better shemirah for the home? **Inside Stam pg. 223** says there are no clear sources which lean in either direction.
- F. Is there shmirah by putting a mezuzah on a doorway which does not require one? **Rav Moshe YD 2:141:3** thinks that there is. [Cf. **Agur Be'ohalecha 3:15 + 32** who thinks there's not, but gives no ra'ayos for why he thinks this.]
 - 1. **Shevet Halevi 2:149** is medayek from **Brachos 23a-b** that tefillin protects someone even שלא בשעת לבישה, so there's room to say the same by mezuzah. He himself concludes one shouldn't do this though, based on **Rambam 5:4** about misusing the mezuzah as a Shemirah alone. Rav Moshe addresses and rejects this issue in his teshuva.

Establishing When You Do and Don't Have a Chiyuv

Which Types of Rooms/Homes Require a Mezuzah?

- I. A few introductory points before getting into all the different types of rooms:
- II. It's important to know what's really חייב and what isn't, since if one of the rooms isn't chayav me'ikar hadin, you can wait on putting a mezuzah there. Almost all the halachos for this question are found in Siman 286.
 - A. Nonetheless, even when there's multiple sfeikos to פטור from mezuzah, **Chovas HaDar pg. 4** argues one still puts up a mezuzah without a Bracha, since there's a diyun in acharonim whether ספק ספיקא can also פטור you from doing mitzvos, or just to avoid issurim. However, if it's only a דרבנן shailah to begin with (e.g. sechirus), one can be meikil with a sfeik sfeika.
- III. **Yuma 11b** darshins לדירה מיוחד למה to teach that only a home (or room) that's used for "living" is חייב; this includes eating, sleeping, and other normal living purposes
 - A. **ARUH 286:3** thinks that once a house is a makom dirah, every room therein becomes חייב as well even if it's not used for normal תשמישים, e.g. a room dedicated for children or non-Jewish live-ins, as that's part of the מקום דירה.
 - 1. **CB האשה ד'** notes that the **Da'as Kedoshim 17** sounds like he disagrees, but thinks it's mistaber like the ARUH, and notes that **Teshuvos Vehanhagos 1:650 + Chovas HaDar 2:1** paskin this way as well. [Similarly, **Inside Stam pg. 220** says that although **Agur Be'ohalecha 30:42** disagrees, but that the vast majority of contemporary poskim side with the ARUH.]
- IV. We also learn from beisecha that it needs to be a room that's ראוי לדירה; **Sukkah 13a** says it needs to be 4 amos by 4 amos to be chayav, which **Rav Moshe** says would be 7 ft. 3 inches and **Rav Chaim** would say 6 ft. 3 inches. This point about the sizing of rooms will be discussed at length below.
 - A. [When **Rav Chaim Na'eh** came out with his shiurim, he was thought of as the machmir; nowadays, he's the big meikil. Sefer **Megged Givos Olam pg. 34** quotes this from **RSZA + the Divrei Yo'el**; he has some cool historical stuff about gedolim there.]
 - B. It should be noted that despite the above, it's accepted that an entranceway (beis sha'ar) is chayav even if the room it isn't 4x4. See separate section below for more about this, and that we don't make a Bracha when not 4x4.
- V. Relatedly, the room needs to have a roof (**SA 286:14**), since it's otherwise not considered ראוי לבית דירה (**Rosh**).
 - A. As such, outdoor gazebos are פטור. However, **PT 13** from **Har Hakarmel** (paskined by **CB 160** as well) says if it's a type of room that doesn't normally need a roof for its purpose, it's still חייב, like some say by שערי חצירות, since that is ראוי לבית דירה.
 - 1. When פטור due to there being no roof, we'll be מחמיר to put the mezuzah on the left side per RAE discussed later in these notes (**ARUH 23 + CB 161**)
 - 2. [See **CB** on Seif 14 for all the rules relating to what constitutes a Halachic roof.]

Shutfus and Fear of stolen mezuzah (MOVE SOMEWHERE):

- I. **SA 286:1**: Two Jewish shutfim are חייב because they also want חיות.
 - A. **CB 24** notes that if just one person wants to put it on, he can do so and make a bracha, as really anyone could put it up לשם מצוה. The poskim (**Giddulei Hekdesh + others ibid.**) say midina one shutaf can force the other to pay half the value of the mezuzah, but if the 2nd party doesn't want to and you aren't going to take them to court, each shutaf has an independent חיוב to put up a mezuzah even if they'll have to pay the

whole amount themselves. [This came up lema'aseh with a friend's apartment (ET) in the UWS.]

- II. However, **Rema 286:1** paskins that if one is a shutaf with a goy, the house is pattur, either because goyim are ליתנהו בחיים, as they don't keep Torah + mitzvos which are the source of life (**Levush + Birkei Yosef**) or because it's like there's only half/a fraction of the house that has a חיוב, and there's no חדר שלם with a חיוב (implied by **Hagahos Mordechai + Shach 9**).
 - A. **SA** there disagrees with this, and thinks that you're חייב, which is why he never mentions such a פטור. This is based on many of the Sefardi Rishonim, and the פשט is that the Yid still needs שמירה either way, so why should it matter that his partner, the goy, is פטור?
 - 1. **Most acharonim** (including **Taz, Shach + RAE**, all quoted by **CB tziyun 150**) think like Rema that one is פטור, but **Gra, Chayei Adam + ARUH 2** think one should be מחמיר to put up a mezuzah without a bracha.
 - a) Similarly, **Chovas HaDar 2:2** concludes based on the **Birkei Yosef** that if bizayon to the mezuzah isn't a concern, one should put one up without a Bracha. **CB 25** paskins lechumrah as well, and says one should put up a mezuzah even when it's a דרבנן shailah (so long as there's no חשש בזיון).
 - B. **CB 26 from Sdei Chemed + Rashash Yuma 11b** notes that for both the SA + Rema, the numbers/percentages of Jews to גוים is irrelevant, and that SA will say the Jews are always חייב and the Rema will say they're פטור once there's one non-Jewish partner. He argues the same is true for a בית שער to a city or building, unlike **Or Same'ach 6:7** who argues those are defined by the Rov of its inhabitants, based on **Rashi in Yoma 11**.
 - 1. This is relevant to an apartment building which is Rov Yisrael. According to the CB's understanding of Rema, you'd be פטור unless it's mamash kol Yisrael. **Rav Dovid Feinstein** (quoted by Rav Simon) says as much. **Rav Simon** himself thinks we should follow the approach of the Or Same'ach and thinks one would be חייב. [Either way, CB + Chovas Hadar think you should put one up without a bracha to be מחמיר for the SA's shitah.]
- III. If you're afraid it's going to get stolen, you don't have to put up a mezuzah, since it will be disrespected (see **Bach + Shach 286:7**). What do the chances need to be? **CB Beurim pg. 24 או עיירות ד"** argues from many acharonim that it doesn't need to be certain this would happen but the possibility of this alone is a פוטור (unlike the mashmaus of **Shach 7**).

Places One Doesn't "Live" In

I. Storage houses (beis ha'otzar) + Garages

- A. Machlokes Rishonim (**Rambam** vs. **Rosh**) whether they're chayav or patur. **SA 286:2** paskins like Rosh that it's chayav if it's 4x4. Pashtus is with a bracha (as **RAE** points out). Why? **Drisha + Shach** explain it suffices that you go in and out of them, while **ARUH** explains that storing the animals or food is considered a מקום דירה since those things are נצרכים לו לצורך דירה.
 - 1. However, **Rambam 6:7** thinks that it would be פטור unless it's used for תשמישי ממש, like if people use them as a room to get dressed in.
 - 2. **Most acharonim** (**Gra, Chayei Adam 15:12, Derech Hachayim, RAE in Shu"t 66 + others**) think like Mechaber that you'd even make a bracha. However, **ARUH 8-9**,

- Minchas Yitzchak 10:96:2 + others** think we should be choshesh not to make a bracha.
- a) Lema'aseh, **R' Chaim Kanievsky on Mezuzah end of 16** paskins one can make a bracha, while **CB 9** thinks we should be מחמיר not to.
 - b) **CB 35 from ARUH 46** – A storehouse is חייב even if used for nothing but storing something insignificant like coal. That's essentially what a בית העצים is, which **SA 286:1** includes in this din.
- B.** Garage is this same shailah bepashtus and should get a mezuzah like a beis ha'otzar. In fact, **CB 16 from Minchas Yitzchak 10:96:2 + Teshuvaos Vehanhagos 1:647** say that they have a din of a בית האוצר, and therefore you put up a mezuzah without a bracha (leshitaso in **CB SK 9** that a בית האוצר shouldn't get a bracha). If they're attached to the house, then one *should* make a bracha like a בית שער הפתוח לבית (discussed below).
- C.** However, **Rav Yaakov Kaminetsky** (fn. 202 in Emes Leya'akov) thought a storage place is only chayav if it's next to the home. An independent storage building/house unrelated to a makom dirah would be pattur.
1. In truth, it doesn't seem this means the garage has to be literally attached to the house, but just that it has to be used for the living purposes of those דיירים. This פטור just means that if a storage place is being used to hold things over for the long-term, or things are being put there before moving in, the storage area isn't yet חייב. Nonetheless, **Be'er Moshe 2:85 (end) + Teshuvos Vehanhagos 1:647** say not to make a Bracha in this case.
- D.** **Rav Ya'akov** further argues that until one actually lives somewhere, the fact that you put your appliances there (or in the nearby storage area) isn't מחייב it in mezuzah.
1. **Rav Schwartz** in a shiur implied we paskin this way, and therefore one doesn't have to put up a mezuzah in a new apartment they rent when they're just putting their stuff in there before they actually begin living there, and the 30 day count doesn't begin either. I was told that **Rav Willig** says the same.
- E.** **Rav Schachter** is of the opinion that if one rarely goes into the storage room, then it's a ממנו בית האוצר שאין מסתפקין ממנו and one is pattur. Once a week or once every two weeks is chayav; if just 3 times a year when he goes to vacation, that's pattur. He said in an earlier shiur that even once a month would be pattur.
1. However, **Rav Willig** thinks one is חייב even if you don't practically enter. Similarly, **CB 14** paskins based on **IM 2:141:2** that one is חייב even if you only ever enter there once in a year or less, as lema'aseh their storage of food or other items *is* their רפת, תשמיש דירה, like by a רפת.
 2. Since there are poskim on both sides of this debate (see **Chovas HaDar 2:fn. 12** for more), one should be מחמיר to put up a mezuzah.

II. A home one never or rarely lives in

- A. MA 19:1** says one is פטור from putting up a mezuzah if one never lives in a home they have, based on **Tosfos Menachos 44**. See **Chovas HaDar 2:fn. 3** for more.
- B.** What about if one just *rarely* lives there?
1. **Shu"t RAE 9 (end)** assumes that whenever you leave your house for a period of time (even just a few hours), one has no mitzvah of mezuzah during that time period. Accordingly, he wonders why you don't need to make a new Bracha every time you come home from a short vacation / leaving one's home. According to him, there'd be no חיוב on a home that one has so long as / whenever they aren't living there.
 2. However, **Rav Schachter** quotes the **Shitah Mekubetzes BM 101a** from **Rabbeinu Yehonasan** that if one owns multiple houses, and lives bikvius in each one at

different parts of the year, one is chayav to put up a mezuzah in each one, all year round. (**Nimmukei Yosef end of hilchos mezuzah** says the same.⁶) The **Shu"t Ein Yitzchak 31 + ARUH (end of 289)** come to the same conclusion per the Shitah Mekubetzes.

- a) Similarly, **Rav Moshe YD 179** paskins that if one goes to a country house for just the summer time, it's chayav with a bracha.

III. Yeshivos + Dorming Rooms

- A.** The din by a פונדק (inn) in **286:22** is that no one is חייב in mezuzos, as the owner of the inn/hotel isn't using it for themselves, and the ones renting don't have any rights to do anything but sleep/use the rooms, but don't really live there.⁷ Consequently, **Pischei Shearim pg. 205** quotes **Be'er Moshe 2:95** as thinking that me'ikar hadin, the hanhalah of a yeshiva are פטור if they don't live there, and the talmidim are פטור since it's not their rooms.
- B.** However, **Chovas HaDar 3:6 + CB 217** think that although there's room to say as above, since the talmidim expect the hanhalah to go and pay for all their needs, the hanhalah should buy Mezuzos. Still, they should put it up without a Bracha due to the sfeikos involved.
- 1. CB ibid.** recommends that a student take down the mezuzah and put it back up without a bracha in order to do a ma'aseh mitzvah in case the chov is really on him and not the hanhalah.
 - 2. Rav Abadi** thinks the only thing in a yeshiva that needs a mezuzah is the dormitory. However, it became a thing that any frum מוסד ended up having mezuzos, as **Be'er Moshe 2:95** strongly encourages, but me'ikar hadin it's just needed for a makom dirah. We don't make a bracha on most mezuzos we put up, since most of them are subject to machlokes.

IV. Temporary Rooms + Homes (Binyan Ara'i):

- A. SA 286:11** says a sukkah on Sukkos is פטור, because it's considered a בנין עראי (halachically), and we learn that a mezuzah is only חייב on a דירת קבע, like by a בית.
- 1.** If it's *not* sukkos, and you keep a sukkah up, it could be considered a diras keva if it's a strong structure – see **CB 134**.
 - 2.** The halachos in a case where one has a normal room as part of their house, which you just take the roof off of and add סכך to on sukkos, are intricate (see **MB 626:21 + CB 286:135** at length). The summary is that the room itself loses its חיוב mezuzah, and you now have a חיוב only going from the sukkah *into* the house. As such, if there was a mezuzah going into the sukkah room beforehand, it will need to be moved to the other side. One will still need a mezuzah going from the reshus harabim into the sukkah, as well, since the sukkah serves as a בית שער to the house, but one wouldn't make a bracha on that mezuzah.

⁶ **CB beiurim pg. 127** notes that later acharonim say that Nimukei Yosef on hilchos mezuzah is actually the Rabbeinu Yehonasan (as Bar Ilan in fact refers to the sefer), in which case this is really just one and the same shitah.

⁷ The **ARUH** there thinks the ba'al hapundak is חייב to put up Mezuzos, as it's really his home. However, **Chovas HaDar 2:1 + 3:fn. 19, Teshuvos Vehanhagos 1:650 + CB 217** all argue that everyone is פטור.

- a) If you leave it up as a sukkah after Sukkos and use the room that way, the sukkah now becomes חייב in its own right, and the Mezuzos have to move.
- 3. In terms of boats, **CB 137 + Beiurim** notes that almost all boats will still be פטור unless one lives there permanently and it never leaves the dock.
- 4. Similarly, cars, planes, etc. will be פטור, with the exception of a caravan which one leaves in one place and lives in without traveling, although the poskim say even then not to make a bracha (**CB 137**).
- B. All of the above is because the rooms are intended to be temporary. However, **SA 12** has a case of סוכה לפני מסוכה that the inner one is חייב. **Chovas HaDar 4:2 + CB 144** note that even a בנין גרוע is considered a Dirah, so long as it's intended to be permanent. See **CB 145** for more on why the outer one isn't חייב midin שער בית.
- 1. **CB 145 (end)** notes that there's reason to say that a temporary sukkah (e.g., on Sukkos) which is built and attached to one's house should be חייב in a mezuzah without a bracha. However, **Rav Elyashiv, Chovas HaDar 5:5 + Shevet Halevi 2:156** (he'arah to seif 11) all paskin you don't put up a mezuzah.

V. Stores/Chanus:

- A. **SA 286:11** from **Rambam 6:9** says that a חנות is פטור, but the big question is why this is, with נפקא מינה for various question:
 - 1. Many acharonim (**Bach, Taz + Shach**) think it's because it's not considered a dirah. **Taz** (as explained by **CB 138**) argues that this isn't comparable to a beis ha'otzar, since you never use them for anything at nights (when people no longer shop), unlike a beis ha'otzar which is theoretically available to utilize at nights also. Further, a store isn't intended to store things but to get rid of/sell the commodities it has (**CB ibid. beshem Minchas Yitzchak + Teshuvos Vehanhagos**).
 - a) According to this, every factory, store, or office space would be פטור from a mezuzah, since they have no use at the time people go to bed. This would be true even if people eat lunch there or the like, since it's all agav the melacha (similar to what we say by a beis Medrash [below] me'ikar hadin)
 - 2. However, **ARUH** is so bothered by the above question (the difference between beis ha'otzar + chanus) that he argues the Rambam was just leshitaso that he thinks a beis ha'otzar is פטור. However, since the **SA** paskins that a בית האוצר is חייב, we should be מחמיר to put up a mezuzah by a חנות as well.
 - 3. The **Yad Haketanna** quoted by **PT** (as well as **Kitzur SA 11:14, Avnei Nezer 284:5 + R' Chaim Kanievsky**) thinks that the Chanus that's פטור is only one that would be popped-up and used just during the יום השוק, but would then be taken down or abandoned, and is therefore like a דירת עראי.
 - a) According to either of these latter explanations, a storefront, factory, or office would be חייב in mezuzah.
- B. Due to the machlokes, **Chovas HaDar 3:fn. 24, CB 138**, as well as **Minchas Yitzchak 10:96 + Teshuvos Vehanhagos 1:647** all say to put up a mezuzah without a bracha in all of the above. **Teshuvos Vehanhagos** notes it's certainly improper that when some make a ceremony at a store-opening. they put up a mezuzah with a bracha then.
 - 1. [There's another reason to be מחמיר against the SA's psak, that Prisha thinks a חנות is only פטור since they didn't use them every day or for only a short part of the day. A store that's used every day for much of the day would be חייב according to him. Either way, we'll still say to put up a mezuzah without a bracha.]

2. However, if one has a store that they operate out of their home, it *is* חייב in mezuzah with a bracha (**Taz**). **CB 141** explains that it becomes a section of the rest of his home, as it's all one big Dirah, like the **ARUH 286:3** says for other types of rooms.
- C. Office spaces:
1. If you work somewhere run by non-Jews and they give you an office space, **Rav Schachter** told me the **Rav** was once asked that question and said you're פטור entirely, since you aren't renting the space and have no claim to it. If it's the case that the owners could kick you out of your office at their discretion, you're פטור.
 - a) In contrast, **CB 286:4 + fn. 21** doesn't think we rely on the sevara of "they could move you to a different room" alone, which is why he thinks one should put a mezuzah on in a jail, as well as in a long-term hospital room, and thinks it's not פשוט that the talmidim of a yeshiva are פטור from mezuzah in their dorms. However, considering that an office space has the additional tzad that it might be פטור מדין חנות (as it has no use at bedtime), even the CB might agree with the Rav on this specific application.

VI. Jails, Hospital Rooms, and Dirah Ba'al Korcho

- A. See **RAE 286:1** for machlokes whether a דירה בעל כרחו is chayav in mezuzah – is it shmei dirah. Nafka Minah for a jail cell. See also **Pischei Teshuva** there who quotes **Birkei Yosef** that a jail cell might be pattur due to diras arai anyways. See **Chovas Hadar 3:10 + CB 286:4** that one should put up without a Bracha. **CB ibid.** notes the same should be true for a hospital room.
 1. **CB 4 (end)** argues that a Miklat is פטור if you only ever go into it for protection, as it's not a מקום דירה. However, if one uses it for storage or other purposes when not a שעת חירום, it could be חייב

Mekomos of Kedusha

- I. Beis Kenesses
 - A. There's no din to put a mezuzah up in a Shul (**SA 286:3**) and two reasons are given for this (quoted by **CB 55**): A) **Rambam 6:6, ARUH 17-18 + others** say it's because it's a מקום קדוש, and the gemara learns by the ביהמ"ק + לשכות that they're פטור because it needs to be like a בית שהוא חול. B) **Levush, Bach, Shach 10 + others** give another reason that it's because they're just for Tefilla and not עשוי לדירה. They must understand that spiritual needs aren't דומה לדירה.
 1. This is just for the single room that is a makom Tefilla. However, if you have just a beis sha'ar to the makom Tefilla (and no other rooms that it opens up to), the בית שער to that room would also be פטור, since they aren't a פתח to a makom dirah.
 2. It's also noteworthy that Yoma 12a says a בית כנסת בכפרים is חייב, and many rishonim paskin this way (although the SA leaves this out). Why is this?
 - a) **Nimmukei Yosef** explains that they don't give those Batei knesses full קדושת ביהמ"ק, and are built al tenai, because in the kefarim, they would house their guests there. (It's for this reason the SA leaves out the din, as the metzius is no longer true.) See more about the ability for a tenai to work in **Beur Halacha 151:11 אכל בישובו ד"ה**. Alternatively, learns that it's because in kefarim, they have בעלים ניכרים, and so the beis knesses is like one big בית השותפין, unlike in a כרך where there are no בעלים מיוחדין and it's therefore not even like a בית השותפין.

- b) **Rav Willig** specifically doesn't have a mezuzah in his Shul to indicate that people shouldn't eat there, and it's *not* made al tenai.
- II. Beis Medrash
- A. **SA 286:10** says a beis Medrash is really פטור, but there's a חייב it's חייב, and one should be מחמיר for it. All the poskim quote that **Maharam** had bad dreams when he slept in a beis Medrash without a mezuzah, which is part of why we're מחמיר for this.
1. In **BY**, it's clear we don't really paskin it's חייב, but just recommends chumrah because הירא אלקים יצא את כולם, and it's not so expensive anyways. As such, you don't make a bracha on this.
 2. The reason it's really patur is because a) it's kadosh like a shul and is פטור for the same reason and b) according to the other reason that it's not a מקום דירה, the beis Medrash also isn't a makom dirah: Even though people are there the whole day, and even eat and sleep there, since it's all agav the limud and tafel to the limud, it's not considered a place for Dirah (**CB 120** based on **Levush + Da'as Kedoshim**).
 3. The reason we're מחמיר to say it's חייב, as **Shach 19** explains, is because people are *constantly* there, and therefore it's דומה לדירה. [CB notes it's not a din in their eating and drinking there, but just that they spend time there.]
 - a) **Rav Schachter** noted that in batei medrash where people are *not* there all day long, there's no such minhag to put on a mezuzah.
- B. **Tosfos Yuma 11b (end)**, **PT here** beshem **Tifferes Lemoshe, ARUH 19 + others** all say that a private beis hamedrash in one's room *is* חייב, even with a bracha. **CB 122** explains this is either because it doesn't really have kedushas beis hamedrash (see **OC 151:2**), or because it's considered one of the חדרי דירתו of his home once it's attached to his house, that he's set up a room in his home for the purpose of learning.
- C. If one also Davens in a beis Medrash, it has the same din as a beis Medrash and should still get a mezuzah without a bracha since people are there all day long (**CB 129**).

Places Where There Will be a Bizayon to the Mezuzah

- I. **Gemara 11b** learns from בית that it has to be עשוי לכבוד, to the exclusion of bathrooms, bathhouses, and the like. **Meiri** adds in that a בית האשפה is פטור, which presumably means a compactor room or something similar. **SA 286:2-5** paskins these dinim.
- A. [**CB 66** notes that even our bathrooms where the tzo'ah is immediately flushed away are still פטור, since it's still designated for a גנאי של השתמשות. That's also obviously the minhag.]
- II. When does a גנאי של השתמשות patur a room from Mezuzah?
- A. In order for this פטור to come into effect, it's only when a) The השתמשות של גנאי is intended to be done in this place consistently, and that b) it occurs on a regular basis (**CB 39**). Furthermore, this פטור only exists when the room isn't used as a normal מקום דירה besides that גנאי של השתמשות, as then the room becomes defined by that specific גנאי של דבר (**CB 286:42** from **BY, Shach 8 + Gra on 286:2**).
1. For instance, a בית תבן intended as a changing room (for men or women) is patur, since it's designated for that use, happens regularly, and isn't used as a normal living space, but just for storage. However, if you have a standard room where you always have a baby changing table, the room is still חייב despite that diapers are always changed there, because the room also functions as a normal living space besides that.

A Filthy Place / מקום טינופת

- I. What level of טינופת patur from mezuzah? **SA 286:1** paskins that a בית הרפת is חייב. **CB 10 + 12** from **Mikdash Me'at** explains that the tzo'ah of animals isn't as disgusting as צואת אדם, and so isn't a violation of דירה של כבוד. **CB** quotes that **recent Acharonim** (quoted in **PT + ARUH 6**) say we don't put up a mezuzah and explain that nowadays our barns are disgusting, but **CB** says that certainly isn't the case nowadays, and they should be חייב, as they're definitely less disgusting than they were in the times of Chazal. [Leshitaso, he doesn't think you should make a bracha anyways on a storehouse, and the same is true for a רפת + לול.]
- A. See **Beiurim** ו'ה ולולין who notes that **Chayei Adam 15:12** points out that although a לול has a din of צואת אדם with respect to reading KS in front of it, it's not an issue for mezuzah. You see we need a greater level of זוהמא to make a room פטור from mezuzah than to prohibit KS.
- B. Although the **Bach** here says that a laundry room is פטור, all the contemporary poskim (see **Inside Stam pg. 214**) say that it's חייב nowadays, as it's much cleaner with contemporary washing machines, etc.
- II. A prozdor or שער to a makom that's פטור is פטור as well (**CB 67** from **Chovas HaDar 5:3, Shevet Halevi 7:171 + others**). As such, if you have a room that's less than 4x4 which just leads to the bathroom and has no other purpose, it needs no mezuzah.
- A. What about hand-washing rooms that are attached to public bathrooms in Frum mosdos, intended to be a place for אשר יציר + נטילת ידים after using the bathroom? **CB 67** quotes a machlokes whether this is פטור for the above reason (**Teshuvos Vehanhagos 7:133**) or is חייב since it does have a purpose – namely, for netillas Yadayim (**Rav Elyashiv** quoted in נ"ו יוסף סימן). **CB** isn't machri'a, but notes that if you wash your hands there for reasons unrelated to the bathroom, like in preparation for davening, it would be חייב according to everyone.
- III. A mikvah room itself is פטור since it's intended for women (and men) to stand there unclothed. [By the same token, if a room has a shower or bath but no toilet, it's still פטור from mezuzah because it's primarily intended for people to stand there unclothed.] It's unclear if other rooms connected to the mikvah – where women are clothed – require a mezuzah, since they're just a holding place or preparation room, and aren't really "lived in." **Minchas Yitzchak 4:89-90**, followed by **CB 69**, says to put one up without a bracha to those rooms and at the entrance from the ר"ר.

Covering Mezuzos

- I. When you have a גנאי של השתמשות occur in a room that is a makom dirah (such that it will be חייב in mezuzah), then one has a requirement to make sure the mezuzah is covered. However, the rules for this are different than the rules for tashmish hamitah (discussed below), as spelled out by **CB 286:50**:
- A. For Tzo'ah and טינוף, you just need one cover, it can be clear glass, and it can be כליין (per **Taz 286:5 + Yad Heketanna 3:13**, quoted by **PT 7**), as that suffices for the dinim of tzoah in hilchos KS (מותר is צואה בעשית). As such, every mezuzah me'ikar hadin is fine if it's in a case, even if clear.
1. [Cf. **Agur Be'ohalecha 9:5** who thinks you need an opaque mezuzah case whenever tzoah or רגלים מי regularly passes by the area, but it seems this is incorrect.]
- II. Eruv in front of Sefarim and Mezuzah:

- A. Unlike by tzo'ah and tinofes, it's noteworthy that one shouldn't be completely ערום in front of a mezuzah, and that the mezuzah should be covered with a *non*-clear case in this situation, since we say ערוה בעששית is still אסור. If people go unclothed in an area, it's better to use an opaque covering there. (See **Agur Be'ohalecha 9:5**.) See below though that changing diapers doesn't require this, as it's not Halachic ervah at that age.
- III. Changing diapers in front of sefarim and mezuzah – **Machazeh Eliyahu volume 1:4-8** has multiple teshuvos on this topic, where he concludes it's מותר to do so me'ikar hadin, but best to have the baby changing table in a room which isn't where one keeps all their sefarim if possible:
- A. Ervah in front of a written שם ה' is an issue. **MB 45:5** says kisvei hakodesh shouldn't be brought in front of an איש ערום. However, **Rema 75:4** allows one to say KS in front of ervas Kattan before they're ראוי לביאה – before 9 years old for a boy, and 3 for a girl. As such, there's room to be meikil in terms of the technical ervah issue.
- B. There's a separate issue of bizui mitzvah, as **Rema** by neiros shabbos writes that it's a bizui mitzvah for ketanim to be naked in front of neiros shabbos. However, if it's momentarily, that might be OK, based on a **Rema Mipano**. The fact that the mezuzah is 10 tefachim high might help as well for this.
- C. The main issue is tzo'ah: **Mordechai 311** quoted by **MB 40:5** says one can't relieve themselves in front of sefarim. **MB 40** notes if they're כלי בתוך כלי, that certainly suffices. **Beur Halacha** there isn't sure where כלי בתוך כלי comes from, as we only ever find that by tashmish hamitah.
1. However, even for this, until a baby can digest a כזית of grain, it's not considered Halachic tzo'ah (**MB 81:2**). **Kitzur SA** from **R' Yaakov Emden** writes that's from a year on. If so, there's room to be meikil until a year old.
 - a) He quotes from **מילי דחסידותא** in **א"א מבוטש** that we've never heard of anyone being makpid about this despite that the halacha would seem to be lechumra once the baby is older than one.
 - b) He concludes that me'ikar hadin it's מותר.
- D. However, there's another issue discussed in **CB 78** that the poskim (**Yad Haketanna 3:13** quoted by **PT 7 + Kitzur SA 11:18**, as well as **ARUH 11**) all say that although a kissui works במקרה, one shouldn't rely on this as a solution to do something regularly/בקביעות there, and could be נכלל in בזה ה' דבר ה'. **CB** concludes that one should try and be careful about this re: changing children that their diaper changing table shouldn't be designated in front of a mezuzah, and should be in the bathroom if possible.
1. In truth, the **ARUH** inside sounds a bit different, that the concern isn't about just changing babies in the room, but specifically to do so "אצל הפתח," i.e. right by the mezuzah. If one can do so further away, even if visible, it seems this wouldn't necessarily be a violation of this, although **Yad Haketanna + Kitzur SA** sound like any visibility is a violation of בזה ה' דבר ה'.

Married Couple's Bedroom

- I. There's a shitah in the **Rema 286:2** not to put a mezuzah on a married couple's bedroom. Although the **Bach** thinks we should paskin this way, the **Shach 9, Gra + many others** accept the other dei'ah in Rema that it is חייב with a Bracha, but you should just cover it. That's the minhag. In the Heights, that's almost always the only place you can put up a mezuzah with a bracha. [The entry to the home is often in front of an area that's not חייב in mezuzah, since the hallway isn't 4x4.]

- A. If mezuzah is on inside of the room, you have an issue with covering the mezuzah before tashmish. As such, if there's not a real chiyuv on that room, **Rav Simon** noted it's sometimes better to just not put up the mezuzah.
- II. There are three shitos in poskim about how to cover a mezuzah before tashmish hamitah:
- A. **MA 40:2** understands **Taz 5** (who just says that "glass doesn't suffice") to mean that you need כלי בתוך כלי (like we see by tashmish in front of tefillin) and *neither* can be glass. **RAE on SA** also seems to have understood Taz this way.
- B. **ARUH 15** understands the same **Taz** to think you just need one opaque covering, and don't need כלי בתוך כלי for tashmish in front of a mezuzah, unlike by תפילין + ספרים, where the halacha is you need כלי בתוך כלי.
1. The sevara for this is either because it's not really like it's in the room, as it's lifted in the air and attached to the door (**Yad Ketanna**), or because there's a necessary conflict between the mitzvah of פרו ורבו and וכתבתם על מזוזות ביתך, and the Torah therefore isn't as makpid about it being covered (**ARUH**; he entertains you might not need any covering at all because of this sevara)
 2. **Most poskim** don't accept this Aruch Hashulchan (although **Yalkut Yosef 285:41** does, and says the minhag is to be meikil by any opaque mezuzah cover).
- C. The accepted psak is that of the **MA himself** (followed by **RAE, Chochmas Adam + MB 40:7**), that although you need two coverings, one of them *can* be glass, since lema'aseh it's still not visible and you have כלי בתוך כלי. [**Rav Schachter** told me the same.] As with every din of כלי בתוך כלי, one of the keilim needs to be not כליין, so have to add aluminum foil or the like on top of the case before tashmish, as the case will always count as a single cover (even if see-through)
1. **MB ibid.** quotes **Chayei Adam** that if you originally put mezuzah in plastic and then inside a case with intention that it should be a double covering, that suffices.
 - a) **CB Beirum pg. 27** thinks one can follow this, despite proving that **Derech Hachayim + Giddulei Hekdesh** don't hold this way. In contrast, **Dirshu 11** quotes that **Chazon Ish** was מחמיר about this, and Halachipedia quotes **Rav Schachter** as being מחמיר as well.

Beis Sha'ar, Chatzeiros, Gardens, and Stairways

- I. A Beis Sha'ar (entranceway room) is חייב in mezuzah according to **Menachos 33b**. However, **Tosfos** notes **Yuma 11a** says it's פטור, and gives two answers: Either a) It means only miderabanan here, and all gemaras agree they're פטור mideoraisah and חייב miderabanan. Or b) he quotes the **Rif** that it's only חייב when פתוחה לבית, but not when it isn't. Menachos is talking about connected to house and Yoma is talking about when it's not. **Rambam 6:8⁸** paskins this second answer as well.
- A. **SA 286:7⁹** paskins like Rif + Rambam that it's חייב only if it's connected to a house that's חייב in mezuzah. However, he then quotes Tosfos' first answer that it's always חייב as a אומרים יש.
1. **Shach 17** notes even the א"י would say it's only חייב miderabanan.
 2. How to paskin? Me'ikar hadin, we paskin like the stam in SA. However, **Bach** thinks the 2nd answer is correct, and **CB 111** from **Shevet Halevi 2:156 + Kitzur SA 11:16**

⁸ לפיכך אחד שערי חצרות, ואחד שערי מבואות, ואחד שערי מדינות ועיירות--כולן חייבין במזוזה, שהרי הבתים החייבין במזוזה פתוחין לתוכן. ואפילו עשרה פתחים זה פתוח לזה, וזה פתוח לזה--הואיל והפנימי חייב במזוזה, כולן חייבין; ומפני זה אמרו, שער הפתוח מן הגינה לחצר, חייב במזוזה.

⁹ שולחן ערוך יורה דעה הלכות מזוזה סימן רפו
 ח] מרפסת, שהיא דרך לעלות בה לעליות, ובית שער והגנה, פטורים. ואם בית פתוח לאחד מאלו, חייבים. ויש אומרים שבית שער חייב אפילו אין בית פתוח לו (טור והפוסקים בשם ר"י).

says to put up without a bracha. However, if you have another safek, like if there's no door, you can be meikil due to a ס"ס בדרבנן.

- B. When connected to the house, this מ"ד which we paskin bipshuto thinks it's now considered ביאת הבית, and the חיוב is deoraisah (**CB 286:102** per **Rambam 6:7-8 + Mikdash Me'at**). See below though that **Rav Moshe 1:181** argues the חיוב is because it becomes like a room of the house in its own right, and the chiyuv is מצד עצמו.
- II. Some other general klalim for beis sha'ar:
- A. Even if the house has other ways of getting directly to the reshus harabim, the beis sha'ar will still be חייב (**CB 102** from **Chazon Ish 168:3**).
- B. **CB 103**: Even if you have one entranceway into the other – even עשרה פתחים זה פתוח לזה, since the innermost room is חייב, they'll all be חייב. This is based on **Rambam 6:8 + Gra's** read of **SA 286:16**.
1. As such, you can have a beis sha'ar to a beis sha'ar, and they'll all be חייב.
- C. A beis sha'ar to a בית האוצר is also חייב whenever the beis ha'otzar itself is חייב. A beis sha'ar to a makom פטור, like a shul or bathroom, is פטור (**CB 104**).
- D. Does the beis sha'ar itself need to be 4x4 to be חייב in mezuzah? **Agur Be'ohalecha pg. 459 fn. 72** quotes multiple acharonim who say it's פטור if less than the shiur, but he argues based on **Taz** and **Maharil** that it's חייב with a Bracha. Further, he quotes **Rav Moshe** (in Ohalei Yeshurun 2:fn. 93) that one could make a bracha. He concludes that if it's less than 4x4 of the smallest shiur, don't make a Bracha, but if it is, you can make a bracha. [Very relevant for entranceways to homes.]
1. **CB 148** similarly discusses this and comes to the same conclusion that a בית שער less than 4x4 should get a mezuzah but without a bracha. [He connects this to the question of the famous **Chamudei Daniel**, but adds that **R' Chaim Kanievsky in Maseches Mezuzah Os 14** thinks only a בית שער is חייב when less than 4x4, since the חיוב is mitzad the Bayis, unlike other rooms where the חיוב is מצד עצמו.]
- III. Stairways: As per the above, the doorway of a staircase is חייב in mezuzah if the stairwell leads to homes/places which are obligated to have a mezuzah. It's like one huge beis sha'ar. Thus, a stairwell leading to apartment floors (חדר מדריגות) is obligated in mezuzah, and one would say a bracha if it has the requisite shiur (**Chovas HaDar 5:10**).
- A. However, if you just have a tzuras hapesach before a staircase, the poskim say to put one up without a bracha since most of the time, they aren't 4 amos wide or have the requisite depth (**Agur Be'ohalecha pg. 461**).
1. What if they are 4 Amos wide? **Agur Be'ohalecha fn 86** thinks even then, they're not necessarily 4x4 since it's not clear whether the steps are מצטרף together to make a shiur, since they are inclined and increase 10 tefachim over 4 amos. (That shiur is 22-25 degree slope. Most stairs have an angle of 30-50 degrees according to google, so certainly count as a wall.)
2. In contrast, **CB Beiurim pg. 42** שער ד"ה thinks the fact that you have a Halachic mechitza based on the angle is irrelevant, as it's still לשימוש, and the mechitza doesn't turn it into separate rooms.
- B. However, if the staircase leads to an area that isn't חייב in its own right (e.g. a small porch), it would only need a mezuzah according to the י"א quoted by SA that it's חייב miderabanan.
- IV. Chatzeros, yards, gardens: **Menachos 33b** says that פתחי שמאי are פטור from mezuzah, and **Rashi** in one lashon explains that it's an opening to a house without a roof, so it's פטור.
- A. **Tosfos** rejects this since it's no worse than שערי חצירות that are חייב in mezuzah according to **Yoma 11a** despite that they open to an open-roofed chatzer!
- B. However, **Rambam Mezuzah 6:5** paskins like this Rashi that if there's no roof, it's פטור. Why then are שערי חצירות chayav?

1. **Rosh Mezuzah 11**¹⁰ explains that it's only a פטור by a bayis since it's not ra'ui for its purpose (to live in) without a roof. But a chatzer is normally unroofed, so is still חייב without a roof. (He also mentions that it's משמש לדירת הבתים; see below.)
 2. In contrast, **Rabbeinu Mano'ach** (quoted by **BY**) gives a different answer, that the שער החצר is connected to the house, which itself is mekurah, so it's חייב like a beis sha'ar.
 - a) **SA 286:1** writes simply that שערי חצרות are חייב, which sounds like Rosh, as he never mentions they have to connect to the house. This is probably the majority view in Acharonim, that an open-roofed chatzer has an inherent חיוב.
 - b) However, **Chazon Ish 168:3+5** argues that it's clear **Ra'avad** and **Rambam 6:8** think like Rabbeinu Mano'ach, and even Rosh gives both sevaros; as such, we should paskin that an open chatzer (or balcony or yard) is fundamentally פטור, but that the door going into the chatzer is חייב like a beis sha'ar to the house. **CB 286:7 + tziyun 44** similarly thinks it's clear Rosh means like Chazon Ish as he mentions both points, and that **Giddulei Hekdesh** thinks the same.¹¹
- C. As such, the halachos are as follows:
1. Most backyards in America can be accessed from the reshut harabbim. **Rav Moshe YD 1:181** says that in this case, it's considered a kenissah, so you put up a mezuzah on the right going into the house. Everyone agrees to this.
 - a) [If you have a tzuras hapesach to enter into the backyard from the reshut harabbim, that tzuras hapesach would also be חייב in mezuzah midin beis sha'ar that's multiple steps removed from the house. Cf. **CB 119** who seems to say this only bederech "אפשר" but lichorah it's פשוט that's the case based on the above.]
 2. When a backyard or deck is enclosed, such that the only way to access it is through the house, it's more complicated:
 - a) **Rav Moshe 1:181** based on **Taz 289:4** from **Maharil** thinks you should put a mezuzah on the right going *outside* as that's the derech kenissah and he thinks the chatzer is a "room" that's חייב (like Rosh above; although he argues even Rambam agrees to this but just thinks this is true only when it's connected to a house, as it becomes a "room" of the house). This is how **Chovas HaDar 8:1:3 + Minchas Yitzchak 1:8-9** paskin, and that's the more prevalent Minhag in America.
 - b) However, the **Chazon Ish ibid.** (per the **Beis Meir here + Nesivos** [quoted there]) thinks one would never put a mezuzah going out to the yard since the yard itself is פטור, and one only has a חיוב on a chatzer because it's tafel to the bayis (like **Rambam + Rabbeinu Yerucham** say). This is leshitaso that he proves Ra'avad holds like that Shitah, and that he thinks even Rosh agrees – the chatzer is only חייב due to its connection to the main house that has a real חיוב. As such, the ikar room is *always* the house against the yard/chatzer, and one

¹⁰ הלכות קטנות לרא"ש (מנחות) הלכות מזוזה
ומה שפרש"י בלישנא אחרינא דלית להו תיקרה שאין הבית מקורה קשה דמי גרע משערי חצרות דחייבין במזוזה
כדאיתא ב"ק דיומא (דף יא א) וי"ל דאין ראייה מחצר לבית. דחצר (ב) דרכו להיות כך ומשמש לדירת הבתים.
אבל בית אינו ראוי לבית דירה כשאינו מקורה

¹¹ He also thinks it's unlikely the Rosh would disagree with the **Yerushalmi Yoma 1:1** which says שערי מדינות are חייב only because שבהן הן נכנסין לבית דירה. However, **Rosh** makes no mention of that Yerushalmi, so I'm not sure he was aware of it.

puts the mezuzah coming in from the yard to the house, even if you could only get there by first going through the house.¹²

(1) In this case, the **Chazon Ish** *ibid.* says not to make a bracha, even though you could in the case of an open backyard.

3. Halacha lema'aseh, this remains a machlokes:

a) **Chovas HaDar 8:1:fn. 6** quotes his Rebbe, **R' Yungreis**, that the minhag is to put it on the right side going out, like Rav Moshe and Maharil. **CB 48** also thinks this is the more prevalent shitah in earlier acharonim, and notes that Rav Moshe above already answers the Beis Meir/Chazon Ish's question, such that there's no hechrech to disagree with Maharil.

b) In contrast, both **Rav Willig** (quoted by R' Ike to me) + **Rav Schachter** (in many shiurim I've heard) think the Chazon Ish makes more sense, and paskin this way.¹³ **Agur Be'ohalecha 37:9** argues the same and asks a number of questions on Rav Moshe's shitah, mentioned in the fn. above. **Inside Stam pg. 212 fn. 373** also says this is the more accepted view in poskim, including **Rav Elyashiv** (who at least calls this the "minhag ha'olam" in He'aros to Yuma 11a) + **Shevet Halevi 3:150**.

(1) This machlokes is thus unresolved, although I would personally paskin like the Chazon Ish. Either way, one doesn't make a bracha on this mezuzah because of the machlokes.

D. A roofed front porch in between the front yard/street and the house is חייב in mezuzah in its own right; if it's 4 x 4 and there's a door, you can even make a Bracha

(**HaMezuzah VeHilchoseha 3:10** quoted by Halachipedia). Even if it's not roofed, it lichorah will still be חייב in mezuzah, since it's a בית שער to the house (for **Rabbeinu Yerucham**) and functions properly without a roof (for **Rosh**). I then saw **CB 168:97** indeed paskins this way.

E. A roofed balcony or deck (not accessible by the reshut harabim) is חייב in mezuzah in its own right as well if it's the requisite shiur (**Chovas Hadar 2:5**; unlike **Chazon Ish** who thinks they don't have a din of a chatzer nowadays)

F. If the balcony or deck attached to the house and *doesn't* have a roof:

1. **Chazon Ish end of 168, Shevet Halevi 3:150 + others** think that you put it on the right side going into the house, even if the balcony is 4x4, since its חיוב is a din in being tafel to the bayis, and has no חיוב mitzad atzmo, since it isn't roofed. **Rav Schachter** would presumably say the same, per the above by backyards.
2. **Emek Bracha Mezuzah end of os 5** thinks you put a mezuzah on the right side going out, since it's לאו לתשמישה and is therefore חייב, even if it's *not* 4x4 (like the Chamudei Daniel discussed later in these notes).

¹² **Rav Moshe** (beginning of 1:181) answers this question by explaining Rambam doesn't mean the חיוב of a chatzer or beis sha'ar is because it's tafel to the house as a makom kenissah to it (and has no inherent חיוב), but that because it's connected to the house, it becomes like a room of that house, and that's what gives the Chatzer or beis sha'ar a מצד עצמו. As such, it's like any other room in the house that we follow the rule of כניסה דרך. **Agur Be'ohalecha 37 fn. 28** takes issue with this, since a) Rambam includes שערי המדינות are חייב for this reason, and it's very strange to say the whole city turns into a מקום דיור because they're connected to houses. B) R' Yossi פוטר in **Menachos 33b** by a Ginah that's attached to a house if the היכר ציר goes into the Ginah. For Chazon Ish, this makes sense, as it's no longer a כניסה to the bayis, but for Rav Moshe, why should that פטור it, if it's still a room of the house? See there for more.

¹³ I confirmed this with Rav Schachter. **Halachipedia** misquotes his psak.

3. **CB 149 (end)** thinks that if it's 4x4 or a safek and it's ראויה לתשמישה, you should put it going towards the balcony, but if not, one should do like RAE. This is the hachra'ah of most acharonim (**Chovas HaDar 8:fn. 6, Teshuvos Vehanhagos ibid. + Minchas Yitzchak above**).
- V. In our apartment, there's a tzuras hapesach which leads to a small vestibule (not 4x4), which then leads to the kitchen (room that's חייב) without any tzuras hapesach (picture below).
- A. **Rav Schachter** paskined to put the mezuzah on the doorpost going into the vestibule as per the Rabbeinu Mano'ach. One step removed from a room that's חייב will make the small vestibule like a beis sha'ar, and you put it only on the tzuras hapesach. The entrance closer to the kitchen is a "small room entering into a big room" which he thinks is פטור entirely, as there's no independent mezuzah (see below). As such, the mezuzah should *not* be where it is in the picture, but on the frame, closer to the entrance of the home.
1. **Rav Schachter** told me that he doesn't think the Rosh even necessarily disagrees with the one-step removed sevara, and he thought you could put up a mezuzah even with a bracha on a beis sha'ar that eventually connects to a makom dirah (presumably, only if the beis sha'ar has a shiur in its own right)
 2. As noted above, **CB 103** supports this and proves from **SA + Rambam** that one will put up a mezuzah even when *many* steps removed from the house.



Room Sizes + Arrangements For חיוב Mezuzah

Measuring 4 x 4 Amos

- I. As mentioned, based on **Sukkah 3a**, the room needs to be 4x4 amos or you're pattur from mezuzah, since it needs to be a מקום דירה like a Bayis. **Rav Moshe** says four Amos is 7 ft. 3 inches, while **Rav Chaim Na'eh** thinks it's 6 ft. 3 inches.
- II. Some rules for what counts towards the measurement:
 - A. 4x4 is measured by the living space, so you don't include the walls (**CB 150**). It also only includes area where there's 10 tefachim until the roof, as only that is considered livable (**CB 152**). This is very relevant to spaces underneath a staircase.
 - B. **CB 151** quotes earlier acharonim that moveable keilim, like ovens, furniture, and fridges, won't be mema'et as long as they can be moved. Even if they're rarely moved, if it's possible to move them and might at some point be moved, they aren't mema'et from the space.
 - C. What about permanent additions to the rooms, like cabinets, sinks and the like? **CB 151** quotes a machlokes about this:
 1. **Da'as Kedoshim, + Mikdash Me'at** think if it's at least 10 tefachim tall, it's mema'et from the shiur
 2. Similarly, the **Chazon Ish OC 110:28 ע"ד** writes in the context of expanding the techum of a city that a factory which has benches and machinery attached to the karka would be mema'et the shiur of 4x4. He says that anything that's מחובר לקרקע מכונות וקבועים are mema'et the shiur.
 - a) **Ike** told me that **Rav Willig** holds, based on this Chazon Ish, that any keilim that are supposed to be there all the time (like an oven, fridge, washing machine,

etc.) are mema'et [although it's not clear to me why he thinks this is what the Chazon Ish would say], and certainly cabinets which are nailed into place are mema'et. I heard in shiurim from **Rav Schwartz + Rav Lebowitz** the same without quoting any mekoros; presumably, they were following Rav Willig's psak.

- b) The **Chovas HaDar** *ibid.* is aware of this possibility, but argues you can't prove from there – the Chazon Ish is discussing a factory which *isn't* a beis dirah generally, but we want to give it a din of beis dirah because the workers eat there. Since the machinery + benches aren't meant to help their dirah purposes, it makes sense it's mema'et, but for something like kitchen countertops, where the attached parts *do* help the living arrangements, it shouldn't be mema'et the space.
- 3. In contrast, **Maharsham 3:263, Chovas HaDar 4:fn. 22 + Shevet Halevi 2:156** here think that it's not mema'et so long as it's part of the use for that room. For example, in a kitchen, the counter-tops aren't mema'et.
 - a) **CB** thinks one should put a mezuzah on without a bracha in this case. I saw the same in **Sha'arei Hamezuzah pg. 178** from other contemporary sefarim. **Agur Be'ohalecha 18:22+** thinks one could even make a bracha, as the Chazon Ish himself isn't sure about this. [Although I don't think this is correct – the Chazon Ish inside *does* seem to be sure of what he's saying, but just begins the sentence with the language of “...עד יש לעיין ב...”]
 - b) This is mistaber to me that we should treat the room as חייב misafek, as the **Chovas HaDar** already demonstrated that it's not clear the Chazon Ish even disagrees with all the above poskim.
- III. Do you need 4 amos in both length and width, or does 16 square amos suffice (e.g., is an 8x2 amos room חייב)? This shailah is very shayach to hallways and long foyers, which don't have a width of 4 amos.
 - A. Bepashtus, this is a machlokes between the Rambam and the Rosh. **Rambam Mezuzah 6:2¹⁴** seems to say that it's חייב, while **Rosh** quotes and disagrees with this. The **SA 286:13** understands the Rambam as above, and paskins his Lashon bistam, such that one would be חייב with a bracha. However, **Shach 23** thinks we should be choshesh for the Rosh as well, so one should put it up *without* a bracha in this case, unlike the stimas hashulchan Aruch. This is what most poskim say to do (**ARUH 286:21, MB 366:22 + Chovas HaDar 4:7**)
 - 1. However, **Taz Hilchos Sukkah 634:2** (and bekitzur in **Hagahos HaTaz in YD ibid.**) thinks it's all a mistake, and the Rambam agrees this wouldn't require a mezuzah. By Sukkah, all agree the shiurim – whether 7x7 tefachim or 4x4 amos – are length and width, and since mezuzah and sukkah are compared in the gemaras in **Sukkah 3b**, why should there be a chiluk? **Chazon Ish YD 169:4-5¹⁵** agrees with Taz and **Sha'ar Hatziyun 366:13** also seems to be noteh to the Taz. As such, although we paskin like the Shach to put up a mezuzah, there's room to be more meikil in these cases when you don't yet have enough mezuzos.

¹⁴ **וב**, בית שאין בו ארבע אמות על ארבע אמות, פטור מן המזוזה; ואם יש בו כדי לרבע ארבע אמות על ארבע אמות בשווה, אף על פי שהוא עגול, או בעל חמש זוויות, ואין צריך לומר שאם היה אורכו יתר על רוחבו--הואיל ויש בו כדי לרבע ארבע אמות על ארבע אמות, חייב במזוזה.

¹⁵ He's disagreeing with the **Chasam Sofer YD 280** who argues that by Mezuzah, we want to put up a mezuzah on חייב כדי שתהיה מצות ה' לנגד עיניו and therefore are more flexible in defining 4x4 to create a חייב. **Chazon Ish** rejects this since at the end of the day, it's learned from בית and therefore should have the same hagdara as we see by other dinnim learned from בית.

- B. The area of 4x4 Amos is 40 sq ft. According to **R' Chaim Na'eh** and 50.1 sq ft. according to **Rav Moshe**. As mentioned, measuring 4 amos alone is 6 ft. 3 inches for R' Chaim Na'eh, and 7 ft. 3 inches for **Rav Moshe**.
1. **Rav Schachter** generally thinks we should follow Rav Moshe's shiurim. **Rav Willig** + **RAW** also thinks one should follow **Rav Moshe** for length-based shiurim, such as Mezuzah. However, based on my own research into shiurim (found in the Hilchos Challah document), it seems that **R' Chaim Na'eh's** approach is the most mistaber.
- C. See **CB 159** that if one had a room that was only a shiur in square ft., but wasn't מרובע, and then you expanded the room to be even meruba (such that all would agree one is תעשה ולא מן העשה issue. You still don't make a bracha, because you might have already been yotze beforehand, and it's considered one long hemshech of the same mitzvah.

Walk-in Closets and Pantries

- I. A closet that's not a walk-in closet isn't even a shailah, since it needs to be a room you walk into based בדרך ביאתך – ביתיך (**Chovas HaDar 4:27; Shevet Halevi 3:103**). However, when you have a walk-in closet or pantry that's less than 4x4, what's the halacha?
- II. **Pischei Teshuvah 286:11** quotes **Chamudei Daniel** who has a big chiddush that any room you don't live in, like a walk-in closet, pantry, beis sha'ar, and the like, doesn't need to be 4x4, but is chayav so long as it fulfills its normal function. The sevarah is that the room serves the purpose it's meant for: An antechamber and closet are meant to be small, and not 4x4, unlike a room one plans to dwell in.¹⁶
- A. **CB tziyun 700** gathers a number of major acharonim who thought like Chamudei Daniel. These include **Chazon Ish 189:217**, **Rashash Sukkah 3¹⁸**, **Maharsham 3:154**, **R' Chaim Na'eh** in Shiurei Torah pg. 275, + **others** quoted by **Minchas Yitzchak 3:103**.
- B. **Others**, however, reject this. **Mikdash Me'at**, **Da'as Kedoshim 19**, **Avnei Nezer OC 302**, **Salmas Chaim 381** + **Shevet Halevi 2:152** disagree. The **Chazon Ish** is quoted in **Orchos Rabbeinu pg. 165** as rejecting the Chamudei Daniel, and saying even leshitaso, we don't apply that to a kitchen, as that's a form of Dirah.
1. **Minchas Yitzchak 3:103** + **CB 148** conclude based on earlier acharonim to be מחמיר for Chamudei Daniel and put up without a bracha (although MY says המיקל

¹⁶ This is the simple explanation of the Chamudei Daniel (which he says explicitly inside) that it's חזי למילתיה, like the Rashash below understood. Cf. **Inside Stam pg. 213** who explains that Chamudei Daniel thinks the din of 4x4 is davka for a bayis, but not for rooms. I think he's correct that Chamudei Daniel also says this, but that's his second chiddush, and not the one the poskim generally deal with.

¹⁷ Who says (in defense of RAE!) that the reason a bathroom doesn't require a mezuzah on the left side going in is because it is a makom dirah, but just not a דירה של כבוד. He says even if the bathroom is less than 4x4 (in which case you'd think it's not a dirah), it still is a dirah since it's ראוי לתשמישו. If so, his real shitah isn't just that we should be מחמיר for RAE, but that we should be מחמיר for it only when the small room is also not ראוי לתשמישו. If the Chamudei Daniel is fulfilled, RAE's cheshbon isn't even relevant.

CB Os 706 quotes **R' Chaim Kanievsky on SA Os 109** beshem **Chazon Ish** that we don't paskin like Chamudei Daniel. However, this is a mistake – רח"ק is talking about the second din in the Pischei Teshuva that every room in a house, even if less than 4x4 and not חזי למילתיה, is still חייב. However, רח"ק never said the Chazon Ish didn't follow the פשט of חזי למילתיה. [This chiluk between the two dinnim is clear in the **Chamudei Daniel כת"י** which was published in מזוזה, where he makes these two separate points, unlike how CB there understood him.]

¹⁸ Based on the gemara which says a 4x4 isn't חזי למילתיה, which is why it can't be used as an extension of the Techum, unlike a בורגנין (some sort of tent for פירות), which are חזי למילתיה.

- (יש לו על מי לסמוך). This is true even for a beis sha'ar. [They're not dealing with the question of **RAE** vs. **Chamudei Daniel**; see below]
2. **Rav Schachter** said the consensus is not to accept this opinion. This is in line with **Shevet Halevi** above, and potentially the Chazon Ish, although his opinion is certainly unclear. **Agur Be'ohalecha 18:28 + Inside Stam pg. 214** say the same.
- III. **RAE on 286:13**¹⁹ is read two ways. The conventional wisdom²⁰ is he means that if you have a room like a walk-in closet that's not 4x4, you put the mezuzah on the *left* side going in, since there's only a חיוב from the perspective of walking from the small room into the big room. Since you're walking into a big room, it *is* chayav in mezuzah.
- A. **Chazon Ish** asks why you wouldn't be חייב to put on the left side going into a bathroom, and to have the mezuzah mechuseh. He answers that the bathroom is a dirah, but just not a dirah shel kavod, unlike a חדר that's less than 4x4.
 - B. **Rav Simon** doesn't like this since mezuzah is a din in בִּיאַתָּךְ. When you have a room which is a dead end, walking out of that room can't be considered a כניסה, but a yetziah. Otherwise, every room should be considered having two כניסות and should require two mezuzos! [If you put a mezuzah on the wrong side of the door, it's as if you did nothing.] Rather, it must be that backtracking is considered יציאה and can't create a חיוב! He finally found this sevara in the **Chessed Le'avraham YD 91**. **RAE** is sensitive to this though and says that since the room isn't 4x4, it's like a רחוב.
 1. Similarly, **others** (including **Rav Moshe YD 1:181**, as well as **Mikdash Me'at + Salmas Chaim 381-2**) disagree and reject this misvarah. [**Rav Moshe** read **RAE** to mean that you're חייב on exit-only doors walking out, which he then goes on to reject.]
 - C. However, **Chazon Ish YD 168:5 + 169:2** held like this **RAE**, as do many others, including **ARUH 23 + Shevet Halevi 2:156 (see CB fn. 711)**. Similarly, **Rav Schachter** told me we follow **RAE**, in the context of a walk-in closet. **CB 149**, per **Kovetz Teshuvos 2:6:3 + Teshuvos Vehanhagos 1:653**, says we accept **RAE** as well, but we won't make a bracha.
- IV. Practically, most of the time you have a small room, you have a machlokes between **RAE** + The Chamudei Daniel, as it's usually חזי למילתיה ממנו דרך פתח זו לחדר קטן ויהא נידון חדר קטן כאויר דמ"מ חייב כאלו יוצא מפתח זו לשוק כנלע"ד בעזה"י:
- A. Although **CB 149** (end) says to put a mezuzah on without a bracha on the right into the small room, **Rav Schachter** told me he thinks one should follow **RAE** and *not* the

¹⁹ רבי עקיבא איגר יורה דעה סימן רפו

ד"א על ד"א פטור. דהיינו דמצד עצמותו פטור ממזוזה אבל בחדר שלפנים מחדר (שקורין קעמערכי) שיוצאים מחדר הגדול לחדר הקעמערכי הפתח ההוא חייב במזוזה מצד הגדול שיוצאים ממנו דרך פתח זו לחדר קטן ויהא נידון חדר קטן כאויר דמ"מ חייב כאלו יוצא מפתח זו לשוק כנלע"ד בעזה"י:

²⁰ **R' Mendlowitz** reviewed this and commented: "The Chazon Ish and R' Elyashiv made it "conventional". It's mamash not pashut that that's pshat in **RAE**. **R' Yosef Chaim Sonnenfeld, R' Nissim Karelitz**(!!) and others argue that **RAE** did NOT mean that." [He's referring to **Salmas Chaim 169** who argues **RAE** might have meant that the small room leads to another room that exits to the reshus harabim as well, such that it's possible you could come into the big room from the small room even דרך בִּיאַתָּךְ. See below that **Rav Moshe** has another read that he thinks you need a mezuzah on an exit-only door on the right side towards the reshus harabim (and he was saying to put a mezuzah on the right side going into the *small* room), but that read seems to be rejected by most.]

Chamudei Daniel, like the **Shevet Halevi** *ibid.*, **Teshuvos Vehanhagos 1:653 + others** say.²¹

1. Similarly, **Aviyam** told me that although **Rav Willig** thinks we paskin like neither RAE or Chamudei Daniel, such that me'ikar hadin it's פטור entirely, it makes more sense to be מחמיר for RAE than Chamudei Daniel.
- B. Despite the above, if there's a safek if it has a shiur חיוב of 4x4 (e.g., it's an 8x2 or fits only the smallest shiur of 4x4), and it's *also* למילתיה **CB 149** says to put a mezuzah on the right side going into the small room, per **Teshuvos Vehanhagos 1:653 + Minchas Yitzchak 1:8:9**. Similarly, Aviyam told me that **Rav Forchheimer** of Lakewood generally paskins like RAE, but once it's 16 square amos, he thinks to follow SA/Shach in conjunction with Chamudei Daniel.
- V. Practically, is a pantry chayav in mezuzah? If more than 4x4, then for sure. If less, **RAE** would say to put it on *left* side going in, and **Rav Schachter** talmidim + those who follow **Chazon Ish** would do that as well. **Chamudei Daniel** would say on right side going in. **Rav Moshe** would say it's completely patur, as he rejects the RAE. The minhag in America may be like that Rav Moshe.

Elevators

- I. **SA 19** (as explained by **CB**) discusses ארובות, some sort of hole in the ceiling where you would go onto a ladder to switch between the Aliyah and the floor below it. To ensure privacy between the two floors – as they often belonged to different people – they would install מחיצות and a doorway at the top and bottom of ארובה, so it could be locked on either end to prevent people from entering without reshut. The SA says those pesachim are חייב, as they're פתחים to the Aliyah, and a beis sha'ar to the בית.
- A. Based on all this, **CB 201** (per **Chovas HaDar 5:11**) argues that elevators should be no different than the Arubah: There's a tzuras hapesach to enter the elevator shaft, which acts like the ladder to get from one floor to the next. As such, one should need to put Mezuzos on the tzuros hapesach that lead into the elevator shaft, midin beis sha'ar to the other floors.
 1. However, the elevator itself some say is פטור because it's not a מקום דירה, but just an entity to move people (**Chovas HaDar 5:11 + Teshuvos Vehanhagos 2:547**).
 2. He argues the bottom floor should have the mezuzah going toward the elevator, since that's the דרך הכניסה. This is true even if it's not 4x4, based on the **Chamudei Daniel**. However, the other floors should have them on the side exiting the elevator.
 - a) For those who follow **RAE** over the Chamudei Daniel (as is the הכרעה here), presumably the mezuzah should always be on the left side toward the elevator whenever the elevator is less than 4x4 (which is most of the time).
 3. In all these cases, don't make a bracha, since there are those who think an elevator is entirely פטור, as below.
- B. Unlike all the above, **Rav Willig** noted the minhag in America is not to put up a mezuzah at all. Why? **Agur Be'ohalecha 36:45** quotes that **Rav Vosner** (kovetz Beis Levi Tishrei 5753), **Betzel Hachochmah** (2:80-85), and **Rav Moshe (In Ohalei Yeshurun)** all thought that there was no compartment that's חייב: No one ever enters the shaft, and the elevator itself can't be considered a room, since it's a moving compartment. This is also the psak of the **Be'er Moshe 2:88**.

²¹ Inside Stam pg. 214 paskins like RAE against Chamudei Daniel as well; however, he quotes Rav Elyashiv as saying this, but all he says is to be מחמיר for RAE, and doesn't make clear if the case is where the small room was למילתיה, so isn't a ra'ayah to this. The CB more accurately summarizes the poskim on this.

- C. **Chovas HaDar + Minchas Shlomo 2:96:23** respond that the shaft should be no different that the entrance to a city which is exclusively entered by cars. Even though one enters only while in a vehicle, the entrance itself is still חייב.
- D. Lema'aseh, **Inside Stam pg. 218** notes that the Minhag in America is certainly not to put up a mezuzah. In Israel, some are meikil as well, while others put up a mezuzah in line with the CB's shitah above.

Doorway Requirements to be Chayav in Mezuzah

10 Tefachim tall

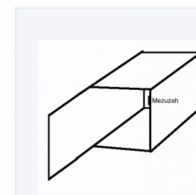
- I. **SA 287:1** says the doorway needs to be at least 10 tefachim tall, as only then is it considered a makom dirah.

Width of 4 Tefachim + Archways

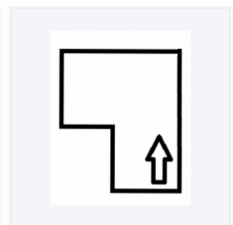
- I. It's a machlokes Rishonim whether it needs to have a width of 4 tefachim. **Rambam** thinks that's not necessary, while **Rashi, Rosh + Tur** think it is. **SA 287:1-2** paskins like Rambam, but **Shach 2** notes the machlokes and therefore we put it up without a bracha in that case (**Chovas HaDar 7:15**).
- A. Relatedly, archways with a door are chayav in mezuzah if the side posts go straight up for 10 tefachim first. If they don't go up 10 tefachim before beginning to curve, **SA 287:2** from **Rambam** thinks that it will be פטור, as the curved part can serve only as doorposts or lintel, but not both (**Taz**), and a doorway needs a lintel to be חייב in mezuzah (more on this below). In contrast, **Shach 2** notes that Rashi would say it's חייב so long as it reaches 10 tefachim before thinning out to less than 4 tefachim apart. As such, we put up a mezuzah without a bracha in this case (**Chovas HaDar 7:14 + CB 12**).
- B. Regarding where to place the mezuzah in an archway, lichorah one counts the curving part as the mashkof and the vertical part as the doorway, but **Taz 287:2** says to include the curving part in the cheshbon of the top 1/3rd. However, if that will be above shoulder height, put it lower. **Chovas Hadar p. 60 n. 35** says many acharonim side against the Taz, and he paskins against the Taz, such that one will put up the mezuzah only based on the straight edge. [**CB 15** leaves the above machlokes Chovas HaDar vs. Taz as an unresolved ג'צ'ג.]
1. If you can put it somewhere such that it's within the top third according to all opinions, and still further than a טפח from the top of the straight edge, do that to fulfill all opinions (**Chovas HaDar ibid.**).
 2. In a case where the walls start to curve in before going up 10 tefachim, one should put a mezuzah (per the Taz) without a Bracha, and then the top third ends when the challal inside becomes less than four tefachim.
 3. All the above is true if the lintel is slanted to a point as well, and not just if it's rounded (**CB 13** from earlier poskim).

Doorposts

- I. There's a machlokes tannaim whether one is חייב when there's only one doorpost. **SA 287:1** paskins like **Rambam 6:1** that you need two actual doorposts. However, **Rosh + Tur** learn that even a single doorpost suffices, so **Shach 1 + others** say to put it up without a Bracha when the single doorpost is the one you'd put a mezuzah on. See pictures that you'd be פטור in case on the right, since there's no doorpost on the right side, but just a continuous wall, but חייב in the case on the left.
- A. You don't need actual doorposts to be חייב in mezuzah.



Picture #1: End of wall on right side functions as right doorpost

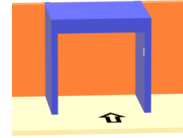


Picture #2: End of wall on left side without a right doorpost

Rashi, Rosh + seemingly all rishonim learn **Menachos 34a** (“עדי פצימין”) to mean that two walls which indent to create a doorway can also serve as a tzuras hapesach (see **Chazon Ish 172:2**). See below that it would also still need a mashkof.

- B. However, if the walls *don't* indent and the doorway is created automatically from the walls, i.e. the entrance to the room fills up the entire side of that direction, and there's only an entranceway but no wall on that side (see picture), there's a machlokes

Rishonim whether this is חייב in mezuzah: **Rosh** (Mezuzah 14) says it's חייב. Although **Tur, Taz + Chayei Adam 15:7** agree, **SA** never quotes this, and **Chazon Ish 172:2** notes **Rashi + Nimmukei Yosef** seem to disagree. As such, put up without a Bracha (**Chovas HaDar 7:6 + CB 287:7**).



1. As noted, this is only when both walls end at the same place to create an entrance. If the right wall extends much further on the right side (as in the black and white picture above on the right), you don't have a right doorpost. However, if it extends just a little further than the left wall, even if the lintel is aligned horizontally, such that the right wall sticks out a bit, **CB 8** argues that one should still put up a mezuzah if they're within 3 tefachim of each other in length. Furthermore, even if more than 3 tefachim in length away from each other, if the mashkof is slanted to connect one edge to the other, that's considered a proper doorway and is חייב without a bracha as well.
- C. If the walls are there just as a transition from a big room to small room (or hallway), there's a machlokes acharonim when you'd put up a mezuzah:
 1. If the דרך כניסה is from the small room (or hallway) to the big room (like how many apartment hallways lead into a bigger room):
 - a) **Chovas HaDar 7:7 + fn.s there** thinks you put up a mezuzah, since it's an entrance to the big room
 - b) **Others** think going from small room to big room is פטור since there's no recognizable doorposts from inside the small room and so is all like one big room (**Agur Bohalecha 21:26 + Inside Stam pg. 218**); **Rav Schachter** paskined this way for our home in the heights, and Aviyam said he thinks **Rav Willig** holds the same.
 - (1) Often, the ceiling is flush between both rooms, such that there's no mashkof, and it will be פטור anyways according to everyone (**CB 8** in parentheses near the end).
 2. If the דרך כניסה is from the big to the small:
 - a) **Chovas HaDar 7:7** thinks it's פטור since the walls are considered walls of the big room, and not the small room. **CB 8** also leans to saying this is פטור, since the “doorposts” aren't corners, and are there to be walls, not doorposts.²² **Rav Schachter** also told me that in this case as well, he thinks you're פטור since there's no tzuras hapesach. Thus, For Rav Schachter, one is פטור whether it's a big room to small or vice versa.
 - b) In contrast, Some think one is חייב in the case of going from big to small room if the small room is חייב in its own right (**Pischei She'arim pg. 215**).
 - (1) **CB 8's** hachra'ah is to always put up without a bracha. See fn. for why.
- D. If there are two doors, but the right door is impossible to open/never opened, then the mezuzah goes on the door, as it really is the doorpost. If it's opened only once in a blue

²² **CB** concludes that in all cases – whether small to big room or the reverse – one should put up a mezuzah without a bracha, since he's not confident in paskining without precedent from Rishonim or the gedolei ha'acharonim.

moon, there's a machlokes about where to put the mezuzah - see **CB 287:6 + Agur Be'ohalecha 22:9** for different approaches.

- E. See **CB 9** that there's no shiur to the size of the doorposts (or Mashkof) and even a very thin protrusion suffices, as long as they're made of a material that could hold a דלת של קש.

Mashkof/lintel

- I. A doorway needs to have some form of mashkof to be חייב; **ARUH + Levush** explain this is learned from the פסח דם that "והגעתם אל המשקוף ואל שתי המזוזות" that a Mashkof is required whenever we talk about מזוזות.
- A. If there are walls which just touch the ceiling, it's a machlokes Acharonim whether it's chayav in mezuzah. However, **Rav Moshe** held it's not chayav and **Rav Schachter** quoted this approvingly. This is also the psak of **Chazon Ish YD 172:3, Shevet Halevi 2:150 + CB 10**. It should be noted that because some acharonim disagree (see **Minchas Yitzchak 10:91**), some poskim will say to put one up without a bracha, but it seems the standard hachra'ah is that it's totally פטור.
1. However, if the ceiling indents downwards to form a "virtual" mashkof, that certainly suffices as a mashkof (**Chazon Ish YD 172:3 מה ד"ה**).
 2. Similarly, if this room has a ceiling that's one level, and then the connecting room has a ceiling at a different level, **CB 7** (beginning) + **8** (near tziyun 73) thinks this suffices as a mashkof (at least to create a safek), since it becomes nikar that this is a pesach and is like ראשי הכותל.
- B. If it has a door but no mashkof (such as in this picture), **Chazon Ish 171:1** argues it's completely פטור. However, other acharonim think it's still חייב, and so it's best to put up without a bracha if possible (**Chovas HaDar 7:fn. 6 + CB 187:4**).
- C. **Rav Soloveitchik** (quoted by **Rav Schachter**) had a hanhaga that if there wasn't a molding for the door - such as by an archway, he thought it was pattur mimezuzah since it wasn't considered a tzuras hapesach. Our minhag is to put one up without a bracha.
- II. Horizontal Tzuras Hapesach: See **Pischei Teshuva 287:1 beshem NB 2:YD:184 + Chayei Adam 15:15** that a horizontal tzuras hapesach (such as a trapdoor) is patur from mezuzah based on **Kiddushin 22b** by eved nirtza.
- A. If the opening is slanted slightly (like many entrances to cellars), there's a machlokes at what point it would become חייב. Assuming the doors are 10 tefachim in length, **CB 5** thinks you should put on a mezuzah without a bracha whenever there's any slant whatsoever. **Agur Be'ohalecha 22:19** (based on **Chazon Ish Eiruvim 7:6,11**) is more meikil, that it's פטור until it reaches a height of 10 tefachim off the ground.



Do You Need An Actual Door?

- I. When there's no door, but just a doorway, **Rambam 6:1** thinks it's pattur mimezuzah based on a vague gemara in **Menachos 33a** that Rav Nachman said "תלי דשי ברישא" but **most Rishonim** say it's chayav. So we put one up, but without a bracha (**Shach 286:25**).
- A. The Door needs to reach 10 tefachim off the ground, and also needs to start within 3 tefachim of the ground in order to make a bracha (**CB 286:171**)

A Doorway That's Not an Entranceway

- I. A tzuras hapesach which doesn't distinguish between different hishtamshuyos isn't חייב in Mezuzah. This is clear from **SA 286:6** that an אכסדרה doesn't require a mezuzah when the beams are there just "להעמיד התקרה הם עשויים ולא משום מזוזות." **Chovas HaDar** applies this principle in multiple places - e.g. **5:fn. 22**.)

- A. It's for this reason that we don't don't put up a mezuzah by eiruv poles (see **Shevet Halevi 7:170 + CB 287:223**). There's precedent for this from **Meiri Yoma 11b כל ד"ה מקום**. In contrast, **Chazon Ish 172:3** says fundamentally it should be חייב, but it's because we're worried it will be stolen or damaged that we don't put them up.
 - 1. According to the Chazon Ish, in a fully Jewish neighborhood, you'd really be חייב to put up a mezuzah, but all the Poskim note we've never heard of such a thing, and it seems we don't paskin this way.
 - B. This is very important for when you'll occasionally have a tzuras hapesach right in the middle of a room with just one function. [Often, it's there for structural, rather than aesthetic purposes, but they make it look nice once it's needed. Alternatively, sometimes a wall was knocked down to turn two rooms into one.] In such cases, one is really completely pattur from mezuzah on that צורת הפתח.
 - C. However, note the פטור is because it doesn't distinguish between hishtamshuyos; the fact that it's לתקרה is not in its own right a פטור if one then chooses to now utilize it to create two separate rooms (**Chovas HaDar 7:8, Kevias Mezuzah Kehilchesa 9:19, + CB 89**; see also **Chazon Ish YD 172:3**).
- II. A few other details:
- A. **CB 286:87** notes that even if the side-posts are לשם פתח, if the משקוף is just לחיזוק לתקרה, that will also be פטור, since you need both Mezuzos and a mashkof לשם פתח.
 - B. The way this is determined is based on how people normally make such structures – if this is normally לתקרה or to be a door to separate rooms. It doesn't depend on the da'as of the specific person who made the doorway (**CB 88** from acharonim, including **Minchas Yitzchak 10:94**).
 - C. **CB 88** notes that you sometimes also have multiple צורות הפתח one after the other in one big room. There, it's not to hold up the ceiling, but is לנוי בעלמא, but still will be פטור since lema'aseh it's not to separate between different rooms.
 - D. **CB 177** says that even if there's no chiluk in their tashmishin, if there's a literal doorway between the two (and not just a tzuras hapesach), you'll always put up a mezuzah.

Sechirus/Rentals

- I. When renting a house, **BM 101b + SA 291:2** say that the mezuzah is on the שוכר and not the maskir, because it's חובת הדר. At what point does the שוכר need to put up the mezuzah?
 - A. **Gemara** says that one is chayav after 30 days if one lives in Chutz La'aretz. The 30 days don't add up if one leaves for awhile and then comes back (**Pischei Teshuva 18 + ARUH 49**).
 - 1. In contrast, in EY one is chayav immediately to encourage ישוב א"י. The פשט, as Rashi explains is that you won't want to leave the apartment, since you'll have to part with your Mezuzos. Even if you do choose to leave, another yid will want to take the home quickly since they'll be מרויח the Mezuzos that you can't take, and mimeilah it will lead to greater Yishuv Eretz Yisrael.]
 - B. Unlike when renting where you have 30 days to put it up, when you buy a house, you have to put it up immediately.

²³ **Rav Schachter** quotes this as the answer of the **Mekor Chaim** (Nesivos) in **Tikkun Eiruvim**, but that doesn't seem to be what he's saying – his real argument is that a tzuras hapesach of קנה מכאן קנה מכאן alone (which suffices for eiruvim) is never enough to be חייב in mezuzah, and you need a real פתח. See **Minchas Yitzchak 7:12 + CB 11** who note we don't paskin this way.

1. One is being mevatel a mitzvas asseh mideoraisah if they don't put up mezuzos immediately, so it's important not to be mezalzel in this.
 - C. In terms of how to count the 30 days, there's a machlokes in the poskim, but the standard shitah is as **CB 219** spells out, based on **OC 14:3** by Tallis, that the time to put up a mezuzah is *after* 30 days, such that the חיוב would be the night of the 31st day that you move in (irrespective of the time of day you moved in). For example, if you moved in on the first of Nissan, the 30 days ends on the 30th of Nissan, such that you'd put up a mezuzah on the first night of Iyar. **Aviyam** told me that **Rav Willig** paskins this way as well.
 1. Ike and Aviyam told me **Rav Willig** thinks the 30 days don't start until you move in, and not when you just fill it with stuff; he had a lomdus for why it's not a בית האוצר, that a beis ha'otzar has to be something that you *want* to serve as a בית האוצר and not just a temporary storage place before you move in. **CB 289:9** from **other acharonim** says the same (unlike the **ARUH OC 19**).
 - D. If the 31st night ends on Shabbos, there's a machlokes haposkim whether you should affix the מזוזה before shabbos and just stick the klaf itself in on Friday night, or if that might be an issue of boneh. **CB 219** paskins to put up the mezuzah without a bracha before Shabbos and reattach it with a bracha on Motza'ei Shabbos.
- II. Is this חיוב deoraisah of דרבנן?
- A. **Machlokes Rishonim** whether there's a chiyuv deoraisah (and the פטור until 30 days is just because it's not yet considered a מעליא דירה/you might back out) or ביתך is mema'et של אחרים, and the חיוב is only derabanan lest people think you own the house. But all agree you're חייב (**SA 286:22**):
 1. **Rashi Pesachim 4a + BM 101b** sounds like it's deoraisah, as does the **Chinuch 603. Hagahos Maimoni on Mezuzah 5:7** seems to say deoraisah as well when renting from a Jew. It's also משמע this way from the **Rambam 5:10-11** who just says when a שוכר is חייב and never gives any mention that his חיוב is any less than a standard case.
 2. However, most Rishonim hold it's דרבנן: **Tosfos Menachos 44a** has two deios, but **Tosfos AZ 21a** says chayav only miderabanan, as does the **Rosh** (Halachos Ketannos 15), **Mordechai** (Menachos 44a), **Ramban + Rashba** (Shabbos 131b), + **Ritva** (Yoma 11b).
 - a) The **Chachmei Sefarad** (and **Rav Schachter** quotes this from the **Avnei Nezer**) prove that it's derabanan from the fact the gemara in **Shabbos** says if one were mafkir the house, he wouldn't be chayav mideoraisah (even though he were living in it).
 - B. **RAE 66** (as well as **Birkei Yosef + Gilyon Maharsha**) says we paskin it's only miderabanan, so maybe you don't need to put up a mezuzah on a doorway without a door, since there's two deios in SA and לקולא ספק דרבנן. [**Rav Moshe YD 2:141** says it's a sfeika dedina based on the **Rashi and Chinuch** [and Rambam] quoted above (which **RAE** doesn't quote), which would impact many of the kullas we'll see. However, he's unaware of many of the other Rishonim mentioned above, like Ramban, Rashba + Ritva, and **CB 212** concludes like RAE that the חיוב is דרבנן.]
 1. So if people didn't buy enough mezuzos, you can tell people with rented apartments that they can hold off on the doorways without doors until later. However, we'll lechatchila still put a mezuzah up.
 - a) **Pischei Teshuva 16** is medayek from **RAE** (quoted above) that since we paskin the chiyuv is only derabanan, on any case of machlokes quoted in the SA (e.g. נשים שוכבות, Beis Hamedrash + Bayis without doors), one would be pattur. **CB Beurim pg. 85** notes that acharonim, like **Mikdash Me'at 57**, don't like to rely

- on these sfeikos לכתחילה since it's so easy to fix the problem, so if you can get an extra mezuzah, it's appropriate to be מחמיר.
2. Note that if someone puts up a new door on their apartment that they've already been renting for more than 30 days, it's פשוט they're חייב in mezuzah immediately on that door, as the home already appears like it's theirs (**CB 222**).
 3. **Rav Schachter** also quotes the **Avnei Nezer** as arguing that since it's derabanan in Chu"l only because of מראית העין, if we're dealing with an institution's building, a jail, etc., where no one would have a הו"א that the person living there is the owner, there may not be a chiyuv on them.
- III. Can one put up the mezuzah before 30 days even if they're פטור?
- A. The starting point would be no, since there's no חיוב yet, as **Minchas Chinuch 423²⁴** argues. He raises the possibility that one wouldn't even be yotze once 30 days then comes, as it would be a problem of תעשה ולא מן העשוי.
 - B. **Pischei Teshuva 286:17** quotes **Eshel Avraham** that one can put it up with a bracha even before 30 days if he wants, like by a tallis she'ulah, that you can put on Tzitzis and make a Bracha despite being פטור (see **MB 14:9**). The **Chayei Adam 15:22 + some others** paskin this way.
 1. [**Nachalas Tzvi** is mistapek whether this is ideal since one only has a single chance to make a bracha, unlike by a tallis she'ulah, so maybe one should hold off on the bracha until the chiyuv is certain. Fundamentally though, he seems to accept the Eshel Avraham that one could make a bracha]
 2. However, most poskim (including Birkei Yosef, Minchas Yitzchak 10:92, + Chovas HaDar 3:fn. 7) disagree with this and think one could not make a Bracha. **CB 221** paskins this way as well.
- IV. Is one chayav if their da'as is to stay more than 30 days, or only after being there for 30 days?
- A. **Nesivos in Derech Hachayim + Shach 286:28** are meduyak like the former that da'as alone suffices (as Nachalas Tzvi points out), and **ARUH end of 286 (SK 49)** agrees that even if the חיוב is derabanan, one would be chayav immediately if one has da'as to stay. **Agur Be'oelecha pg. 353 + CB fn. 1042** notes the **Nimmukei Yosef end of Halachos Ketannos** sound this way as well.
 - B. However, **RAE** notes that since we paskin it's a chiyuv miderabanan based on it *looking* like the house is yours, this doesn't make sense, and one is only chayav after 30 days have elapsed. **Nachalas Tzvi + others** disagree as well.
 1. **Rav Moshe IM YD 179** says although **most acharonim** side with RAE, it's ra'ui to be machmir for Shach + Nesivos, and me'ikar hadin, one can even say a bracha during that time (presumably due to the Eishel Avraham above).
 - a) However, Rav Moshe thinks it's even better to put it up without a bracha and then say a bracha with just mishmush after 30 days (see end of document about this)
 2. **Rav Schachter** quotes the **Beis Halevi** (in between pages of a sefer of his) as agreeing with the **Nesivos** and that if one signs a lease in advance to live 30 days, he's chayav immediately. One should be machmir for this. However, he also quotes that the **Sdei Chemed** quotes Rishonim who said the opposite.
 3. **אגור באהליך pg. 354** says that although we don't paskin one is chayav immediately, the minhag is to put it up with a bracha even before 30 days are up (as **ARUH + Rav**

²⁴ מנחת חינוך פרשת ואתחנן מצוה תכג
 ויש לחקור בשכר בית ותוך למ"ד יום שפטור ממזוזה קבע בה מזוזה אם יוצא בה לאחר ל' יום דאפשר ה"ל תעשה ולא מן העשוי בפטור דאז היה פטור ואפשר כיון דהוא רק מח"ז אינו מקרי מן העשוי

Moshe himself write), unlike Rav Moshe's recommendation to wait on the bracha. **CB 220** similarly concludes that me'ikar hadin, one could make a bracha, but that ideally, one should put it up without a bracha and put it up again with a bracha after the 31st night. This is based on **IM, Teshuvos Vehanhagos 1:644, + Minchas Yitzchak 10:92**

V. Another sevarah to make a Bracha is because of Sechirus Kanya:

- A. **Rav Shach end of Hilchos Mezuzah (pg. 68-9)**: The reason you're not חייב mideoraisah is because שכירות לא קניא. However, Sechirus *is* kanya by renting to an akum for purposes of לא תביא תועבה אל ביתך as the **Rosh in AZ 1** writes, because that's the law of the land. **Gra** paskins lechumrah based on this sevarah; if so, it should be koneh to be mechayev in mezuzah? He leaves it as a צע"ג. **RAE in Shu"t 66** asks the same question and leaves it as a צ"ע.
1. **Rav Schachter** (in an early shiur) therefore thinks one should put up the mezuzah immediately based on this, and I found that **Teshuvos Vehanhagos 1:644** says the exact same. However, they both say to put it up without a bracha, and then put it up again after 30 days (with a bracha), to be machmir for **Minchas Chinuch** that it might be a תולמ"ה issue. [Rav Schachter said that really he thought of this himself but finds it easier to argue with SA by quoting Rav Shach.]

VI. Summary:

- A. The פשוט פשוט is that you're pattur until after 30 days and Mimeilah you can't put up a mezuzah or say a Bracha. However, there are many sevaros to disagree with this: a) **Rav Schachter, Teshuvos Vehanhagos + Rav Shach** that nowadays שכירות קניא, so חייב immediately with a Bracha. b) **Nimmukei Yosef** (and משמע in Shach + Nesivos) thinks that if you intend to stay for 30 days, you're חייב immediately. c) Maybe even if it's before the sha'as חיוב, you're still able to make a Bracha, like a tallis she'ulah (**Pischei Teshuva's** argument).
1. **Agur Be'ohalecha** thinks the minhag is to make a Bracha immediately, and **Rav Moshe** agrees that this is the Minhag and is allowed me'ikar hadin.
2. **Rav Schachter** paskins to put up a mezuzah immediately when you move in, take it down after 30 days and put it up again with a bracha. This is also the psak of the **CB 220**, based on many Acharonim, including Rav Moshe. [**Rav Moshe** would tell you that you could just do mishmush, but **Rav Schachter + others** are worried about תולמ"ה.]
3. **Rav Willig** (as **Aviyam** explained it to me) thinks what would be best is to put up a mezuzah without a Bracha and then take it down and put it back up on the night of the 31st (like Rav Schachter says), but he thinks that's too confusing for people, so tells them just to do nothing until the night of the 31st and then put it up with a Bracha, as he thinks you're really פטור until then.
- a) Lema'aseh, you'll get very different pesakim from different people about this shailah.
- B. If someone is renting in Israel for a short amount of time (<30 days) and doesn't want to lose all their mezuzahs (as they won't be able halachically to bring them to their next home afterwards), different Eitzos are given by the poskim, including being mafkir the home. See **CB 228 + Teshuvos Vehanhagos 1:641** for some potential options.

VII. Renting from a goy is chayav according to almost all rishonim, just like sechirus from a Jew. There's a shitah of the **Hagahos Maimoni beshem Ri** at end of Mezuzah perek 5 who disagrees, but **SA 23** doesn't even quote his opinion and just says it's chayav.

- A. **CB tziyun 1110** notes **RAE in Shu"t 66 נראה** still says you can use the shitah of the Hagahos Maimoni as a tzeiruf to פטור the socher from mezuzah.

Procedure for Putting Up The Mezuzah

Overview

- I. Without spelling out Mekoros or details, the basic overview is as below:
 - A. One cannot put the mezuzah up until he has begun living in the home. See separate section for when to put up a mezuzah when one is only renting the home.
 - B. Make sure the word “sha-dai” is facing outward (toward the entranceway of the room) within the case.
 - C. The mezuzah is placed on the right side as you go into the house or room on the lower part of the top third of the doorpost. (If it’s a particularly large doorway, it’s put at shoulder-level.)
 - D. If there’s a thick doorframe, it should be placed on the outermost טפח of the doorframe.
 - E. When putting on a mezuzah, Sefardim have it stand straight up, and Ashkenazim tilt it (when possible) so that the upper part is facing into the room you’re going to enter and the bottom is facing towards the outside.
 - F. Assuming you have a room which is certainly חייב, you start with that room (even if it’s not the front door). Before affixing the mezuzah to the wall, you make a bracha of אקב”ו לקבוע מזוזה (irrespective of how many Mezuzos you’re putting up), and then should affix it with something that will keep it in place permanently (e.g., nails, glue, very strong tape or velcro).

Where to Place the Mezuzah

The Right Side and How That’s Determined

- I. Mezuzah has to be on the right side going into the room. This is learned from ביאתך that one lifts up their right foot before their left when going in. Putting on the left side is completely פסול (CB 289:38 from earlier acharonim).
 - A. **289:2: Rema based on Mordechai:** A lefty puts mezuzah on right side as well, even though it’s not his personal בִּיאַתְךָ. Why?
 1. **Taz quotes Mordechai** that we follow Rov of the people living there
 2. However, **Shach, Gra + ARUH** explain that this isn’t a personal chiyuv, but a chiyuv on the building, so even if only lefties lived there, it follows רוב בני”א. This is how we paskin.
- II. What’s called בִּיאַתְךָ?
 - A. The only siman the gemara (33a) has is hekker tzir, i.e. the room in which a door opens into is considered the room you’re entering – **SA 289:3** paskins this din. **CB 42** explains this is because the door of one’s home regularly opens into the home and not out of it.
 1. **Chabad** follows this completely – see **Minchas Yitzchak 2:122** who quotes this from the **Lubavitcher Rebbe**.
 2. But **many Acharonim** (see **Taz 289:4 + Shach 289:6**) say this was only talking about when it’s unclear which is entering and which is leaving (see **Rashi bottom of 33b** for precedent for this). As such, the rules are more complicated, as below:
- III. There are multiple factors that poskim take into account, but there’s a machlokes about which ones have priority over others. **Most poskim** think the correct order is as below (**IM YD 4:43, Teshuva Me’ahava 1:61, Minchas Yitzchak 1:89, ARUH 289:8 + CB 47**). **Rav Schachter** agrees the triage is mostly as below, but he thinks rule “D” has priority over rule

“C” (he quotes this from **Chelkas Ya’akov YD 161**,²⁵ and that he had correspondence with the Minchas Yitzchak about how their mechutanaim should put up the mezuzos).

- A. **From exempt to obligated.** If one room is chayav and the other is pattur, mezuzah will only ever be going from pattur to חייב.
- B. **Entry, not exit.** If a room is a dead-end (e.g., like most bedrooms), it will always be considered the room one is entering into.
- C. **The direction in which most people generally walk.** The reason for this is that this will establish which one is the “outer” and “inner” room – see **Aruch Hashulchan 289:8** and **Iggros Moshe YD 1:176**.

- 1. This is dependent solely on כניסה into the rooms, and the fact that you return the same way isn’t relevant to this (**CB 47** from **Da’as Kedoshim + Mikdash Me’at 20**). For example, if room A and B are connected, but A opens to the backyard and room B opens to the front of the house, since you usually go in through the front door into room B and then enter into room A, most כניסות are from B to A, and therefore you’d put the mezuzah on the right side going into room A. This is true even though you always come back from room A to room B in order to exit the house through the front door.
- 2. This idea has a makor in Rishonim, as the **Nimukei Yosef/Rabbeinu Yehonasan 5b** explains **Menachos 33a** about במזוזה הלך אחר הרגיל to mean exactly this. It’s for this reason that **CB** thinks this rule should have adifus over the next one, like most poskim say.

- D. **Which room is used more frequently.** Precedent to this is from **Levush 289:3**, paskined by **Shach 289:6 + Chayei Adam 15:18**.

- 1. In terms of both this and the last criterion, **Mikdash Me’at + Da’as Kedoshim** think (misvarah) it follows just what the ba’al habayis does. However, **IM YD 4:43:2** strongly rejects this and argues it’s תלוי just on the general use of the rooms in metzius, and not just the owner and what he’d like to happen. See there for his ra’ayos. **CB Beurim pg. 140** concludes the same way.

- E. **Hekker Tzir** – which way the door opens into is the room you’re considered entering (mentioned above; see 289:3).

- IV. **Rav Schachter** noted (and **Chovas HaDar 8:1:7 + CB 289:52** say the same) that if the order changes, you have to move your mezuzos around accordingly; **Chovas Hadar fn. 18 + CB ibid.** are both unsure if you’d make a new Bracha.

- II. If there’s no way of determining which way is entering and also no hekker tzir, such as a bidirectional door or a room without a door:

- A. **Rav Moshe YD 1:176** says it’s pattur min hamezuzah. Lichorah that’s a peleh. But his shitah is that if it’s not nikkar which is the kenissa/ביתא, there’s no chiyuv.

- 1. **Rav Schachter** quoted **Rav Belsky** that whenever Rav Moshe was asked such a shailah, he’d ask “what did they do” and whatever you’d respond, he’d say “so leave it” since he thought it was פטור anyways.

- B. **Rav Shlomo Kluger (Sefer Stam Mezuzah #7)** says to put it wherever you want. He explains באתך means I shouldn’t put it on the side of the doorway that’s *not* באתך, but here, both are באתך. The **Yerushalmi end of Megillah** sounds this way, and **many poskim** (including **Shevet Halevi 2:152:2**) agree to this, and that’s the minhag. **CB 49** concludes this is the psak, but that one shouldn’t make a bracha, to be choshesh for Rav Moshe.

²⁵ This is also the opinion of the **Da’as Kedoshim**, which the **Mikdash Me’at + Rav Moshe** above quote and reject.

1. **Rav Elyashiv** thought one of the factors in determining which room is ביאתך is the chashivus of the room (e.g., where you'd take a distinguished guest to have a meeting). As such, **R' Mendlowitz** recommended following this criterion to be machri'a if possible.
 - C. The **She'eilas Ya'avetz 70** was asked the same Q and responded to put a mezuzah on both sides. **Rav Moshe + others** reject this completely.
 1. Would this be bal tosif? **Maharam Shik YD 287** thinks that would possibly be Bal Tosif, and **Minchas Yitzchak 1:9 + Chazon Ish** (quoted in Mezuzos Beisecha 289:16 + Hamezuzah Vehilchoseha 11:13) agree. **Rav Schachter + Rav Ovadya YO 6:2:6** disagree since one knows one isn't the mitzvah, but is just trying to fulfill their חיוב misafek, like wearing Rashi + Rabbeinu Tam tefillin at the same time. This is already said by the **Da'as Kedoshim 286:25**.²⁶
 2. However, even those who think it's not bal tosif strongly reject to put up two mezuzas since "לא שמענו לעשות ב' מזוזות לפתח א'" – see Rav Moshe ibid. + other poskim mentioned in **CB 289:tziyun 312 + 286:724**.²⁷
- VII. Exit-only/emergency exit doors:
- A. The Pashtus is that they're פטור since it's not ביאתך דרך. This is the psak of **Chovas HaDar 6:fn. 4, R' Chaim Kanievsky Mezuzah Siman 43, CB 192, Rav Willig and Rav Simon** beshem **Rav Abadi**.
 - B. **Rav Schachter** thought it should be on the right *going in*, since halacha doesn't recognize mezuzah on the right side going out. [Meaning, treat like a normal door – a mezuzah only ever goes from makom petur to makom chiyuv, and not the other way around.] I confirmed this with him. He seems to be a da'as yachid though.
 - C. The other possibility is right side going out. Unclear if that shitah is a real shitah.
 1. **Rav Moshe YD 1:181** understood **RAE 186:13 (in fn. above)** meant something like this, but Rav Moshe himself rejects this lehalacha.
 2. Rav Simon reported Stern College had the mezuzah like this by their revolving doors, but pashtus is this is wrong.

Height of the Mezuzah

- I. Ideally, the mezuzah is put at the bottom of the top third of the doorpost (**SA 289:2** based on **Rambam**). This is learned in **Menachos 33a** from a hekesh to tefillin that it should be high up, but not the very top (like where it's put on your arm [BY]).
 - A. The **Rosh + other Rishonim** don't think there's any hiddur in being at the bottom of the top third, but that anywhere on the top third suffices, and the **Shach + Gra** seem to think they're correct ledina. However, many acharonim say to be מחמיר לכתחילה for the Rambam since it's easy to do (see **CB 35**)
 - B. See below by Height's Kitchens for machlokes about whether this means the top third of the posts or the top third of the pesach, and that we assume it's a din in the posts, not the pesach.

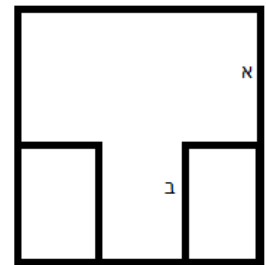
²⁶ **Minchas Yitzchak** explains the chashash is that people will think there are doors that are chayav mideoraisah on both sides, which is actually a shitah in the Mechilta. If people think two mezuzos are chayav mideoraisah, that violates the Rambam's bal tosif, that one isn't allowed to make people think that divrei Torah say something when they don't. However, he agrees that having two mezuzos misafek doesn't inherently violate bal tosif in the same way that 5 tzitzios does.]

²⁷ However, **CB Beiurim pg. 144** notes the **Smag** (עשין 23, also quoted by **Mordechai 33a**) does sound like you should put up a mezuzah on both sides when you have no way of being מכריע.

- C. If a doorway has a window at the top portion, the window section is not considered part of the cheshbon of the doorway's height, but is considered above it already (**CB 34** from **Chovas HaDar 8:2:1 + others**; cf. end of **Teshuvos Vehnahagos 2:550**).
- II. **SA 289:2** Mezuzah can't be within a tefach of the top. This is because **Rambam** learns from **Menachos 34a** that we learn from hekesh to tefillin that it's not placed at the very top, as noted. Lechatchilah, **Chovas HaDar 8:2:fn. 3 + CB 37** say even a mi'ut of the mezuzah shouldn't be within the top טפח.
- A. Is this me'akev? **Rosh** thinks this is kasher לכתחילה, but **BY** writes that we should be choshesh for the Rambam. **Taz 3** understands him to mean that it's only a din לכתחילה, but his Lashon in the **SA** makes it seem like he thinks it's פסול even בדיעבד.
- B. Most acharonim just quote the Lashon of the mechaber, so **CB 36** thinks one should be choshesh that it's פסול even בדיעבד. One certainly should take it down and put it back up properly to be yotze the shitas haRambam (**Chovas HaDar 8:2:4**), although one wouldn't make a Bracha when doing so, due to the shitas haRosh (**CB ibid.**).
- III. it also can't be below the top third of the doorpost (**SA ibid.**).
- A. Bepashutus, this would פסול it, as **BY, Shach 289:4 + Taz 3** say.
1. [**Tur + Rabbeinu Mano'ach** quoted by **BY** think it's kasher בדיעבד, but we don't paskin this way (**CB 31**).]
 2. **CB 32** argues that if even a part of it is below the top third, it's פסול, like we say by Tefillin in **MB 27:33** that if any part is too low, it's פסול. Since the whole din of mezuzah is learned from the placement of tefillin, it's mistaber to learn from there.
- B. However, if you have a very tall door, **Yerushalmi Megilla** says you put it at shoulder height so that it can be seen. Poskim point to precedent/the limud for this from טפח נראית לרה"ר that the goal is for it to be נראית.
1. Do we follow this? **Sefardim** do not. Because **SA** never quotes this Yerushalmi, **Rav Ovadia** says we don't paskin this way. However, **Ashkenazim** follow the **Shach 289:4 + Taz 287:2** who both quote it, and most acharonim side with them.²⁸
 2. What's the beiur in this/how does this fit with the general rule of שליש העליון?
 - a) **Rav Abadi** thinks this isn't two separate halachos, but that the top 1/3 of a door is regularly right around shoulder height. The goal is that it needs to be noticeable בכניסה. **Rav Simon** quoted that **Chazon Ish** held this way as well according to **Orchos Rabbeinu**.
 - b) In contrast, **CB Beiurim pg. 134** argues that these are two separate dinnim: Regularly, you put it at the bottom of the top third, and that's true even if it's not near the shoulder. However, once that would be "גבוה הרבה" from the shoulder, the din is that you put it at shoulder-height so it's easily noticeable. See there for his ra'ayos, and that this is lichorah muchach from the fact that the two dinnim come from completely separate ideas: the din of שליש העליון is because of a hekesh to tefillin, while the Yerushalmi's din is so that it can be seen, with precedent from the din of טפח הסמוך לרה"ר. It sounds like that din just trumps the din of שליש העליון, but not that the two mean the same thing – see below.
 3. What's the shiur at which the Yerushalmi applies?
 - a) **Chovas HaDar 8:1:fn. 2 + CB Beiurim pg. 135** quote **Avnei Nezer** that the goal is for it to be visible when you enter; so if the bottom of the top third wouldn't be seen as you come in, put it at shoulder height. If it would be, put it there, despite that it's higher than shoulder-height.

²⁸ See **CB tziyun 209** for those who rejected the Yerushalmi and **tziyun 210** for all those who accepted it.

- b) **Agur Be'ohalecha 12:11-13** suggests that once a door is 107 inches, it's tall enough that one should put it at shoulder-height or it won't be seen. **CB** doesn't give a clear shiur but says it's whenever the spot would be so high that it's not normally seen as you approach the door.
4. **CB Beurim pg. 136** is mistapek if it would be פסול בדיעבד according to this shitah were one to put it very high up and not follow the Yerushalmi. He leans towards saying it's not me'akev, since it's all learned out from the din of לרה"ר of טפח הסמוך.
5. In terms of exact placement, it should be that the bottom part of the mezuzah is aligned with the bottom part of an average person's shoulder (**CB 33** from **Divrei Malkiel**).
- IV. Height's Kitchens (see picture). The basic layout of this question is that there's a larger tzuras hapesach for the doorway, but then there 10+ tefachim protrusions which prevent one from walking through the entire doorway. Do you place the mezuzah based on the larger doorway (as in 'א in the picture) or is the small shelf area lower down the doorway, and you put it on top third of *that* (as in 'ב in the picture).
- A. The **Nesivos in Derech Hachayim** (quoted in **Pischei Teshuva 286:10**) discusses exactly this case and says to put it on the small shelf area near your waist; as long as the small section is 10 tefachim tall, you put the mezuzah there. **Rav Schachter**, **Rav Willig**, and most **poskim** paskin this way.
- B. However, **Rav Simon** quotes (and follows) the **Mikdash Me'at** who argues the Derech Hachayim only meant this if the shelf is within the top third of the doorway. However, when it's not, you should put the mezuzah higher up.
1. **CB Beurim pg. 93-4** notes it's very hard to accept this is what the Derech Hachaim meant, since then the whole פתח must be so short that the 10 טפח shelf is already in the top third! Rather, **CB** argues the the din of שליש העליון is a din in the פצים/posts, and not in the pesach itself. **Chovas HaDar 8:3:fn. 6** makes the same argument.
 2. **Rav Simon** thinks to follow the **Mikdash Me'at** and put it at the top, because he thinks that the din of "top third" and the idea in the Yerushalmi that we put them at shoulder height are one and the same (per Rav Abadi).
 - a) The issue with this is that even if that were true, it doesn't fit the Mikdash Me'at, since he agrees you'd put it on the small 10-tefach posts if it were tiny pesach, despite that it's not shoulder height. Furthermore, it's hard to understand how the area higher up can be considered the Mezuzos if they're so far from where you're able to walk, and you agree that (if it were a small pesach), these 10 טפח posts indeed are the מזוזות of the pesach. Finally, the **Mikdash Me'at himself in SK 11** actually rejects the Yerushalmi about high doorways, so that doesn't seem to be the פשט in his psak here. It's for the above reasons that most other poskim follow the Derech Hachayim.
 3. [Note though that if the small cooking area is less than 16 square amos, it should be placed on the *left* side, and not the right side. It's not pashut though whether one should include the cabinet space in that cheshbon – see more on that above.]



Placement Within the Doorframe

- I. The mezuzah is placed on the the inside of the doorframe, as learned from ובשעריך, that this is where the שער closes (**Menachos 32b + Rashi**)
- II. The mezuzah should be in the outermost טפח of the doorframe (**SA 285:2 + 289:2**), as long as it's still under the lintel (**Chovas Hadar 8:3:1** beshem Yad Heketana).

- A. **Gemara 33b** says the din of being on the outermost טפח is either שיפגע במצוה or because of תחילה שמירה.
- B. **Shevet Halevi 2:156** thinks based on the reasons given in the gemara that this is a din derabanan, and not a din deoraisah.²⁹ He therefore thinks you just need *part* of the mezuzah to be in the outer Tefach.
1. Similarly, **Agur Bohalecha 13:4** observes that this is how it was placed in **Rav Elyashiv's** house.
- C. This isn't me'akev and one is yotze bedieved if they put it further into the frame (**Rema 289:2**).
- III. When it's impossible to put the mezuzah in the doorframe: The Rishonim + Shach discuss cases where putting the mezuzah on the inside of the doorpost could lead to non-Jews taking and desecrating the Mezuzos. Similarly, some doors completely cover the frame when you open them. Where to put the mezuzah then?
- A. **Shach 289:3** notes a machlokes Rishonim about whether one can put it on the inside (or outside) of the doorway, so long as it's still attached to the frame. **Rashi, Nimmukei Yosef + Rema** all think this is fine (and with a Bracha), while **Rambam + others** say or imply it's פסול. Lema'aseh, we're meikil that one can put the mezuzah on the wall right next to the frame, as long as you're still within one טפח of the doorway (**Chovas HaDar 8:3:2 + CB 289:29**). Because of the machlokes Rishonim in this case, one doesn't make a bracha (**Rav Schachter + Nishmas Avraham**; unlike **ARUH 14³⁰**)
- B. As noted, if it's more than a טפח away from the inside of the door, it's פסול, even if it's on the frame itself (**Chovas HaDar 8:3:2**).
- C. Should I put it on inside or outside of doorpost in such a case?
1. **Rav Schachter** quotes the **Chayei Adam** to put it outside on the doorpost if you can, not inside. [*I haven't been able to find this though.*] Both **Chovas HaDar 8:3:2 + CB 28** similarly say (based on their own sevara) that outside is preferable, since you're still mekayem לחוץ הסמוך לטפח this way.
2. In these cases, if it's on the outside, the top of the mezuzah should tilt toward the pesach; if it's on the inside, the bottom of the mezuzah should be tilted toward the pesach and the top part away from it (**CB 289:84 + others**)
- D. **CB 28** notes that whenever you have a doorway that we put up a mezuzah without any posts (such as when it's ראשי כתלים or for those who are מחמיר when a big room transitions into a small one, and the like), one certainly can't put the mezuzah in front of or behind the doorway, since there's no posts to claim are still part of the שער.
- IV. When you have a double doorframe, where the outer one is a little wider than the inner one (like by our apartments), where should the mezuzah be placed?
- A. **Chovas HaDar 8:3:fn.3** observes **his rebbe, Rav Dovid Yungreis** would place it in the smaller, inner doorframe, and **Rav Bloi** (author of Chovas HaDar) suggests this is because the smaller doorframe is mevatel the bigger one from being considered a doorframe.
- B. In contrast, **Agur Bohalecha 13:6** argues you can (and should) put it on the outer one, and notes that this is how **RSZA, R' Isser Zalman Meltzer**, and **Rav Elyashiv** did in their homes.
- V. **286:20**: Opening that's behind the mezuzah. See **Beis Yosef** that **Rashi** (as understood by most) learns that if a single door covers two openings at a perpendicular angle, if the beam

²⁹ He quotes and rejects the **Da'as Kedoshim here** who thinks it might be deoraisah. **CB 289:20 (end) + 24** sides with Da'as Kedoshim over Shevet Halevi, without explaining why, but Shevet Halevi's argument seems compelling.

³⁰ **CB 26** leaves this question unresolved

between the two openings is less than a tefach, one can put one mezuzah on the right side of one door, which will be the left of the other. **Mordechai** rejects this and argues this only works when it will be right side of both doorways (see **Bach** for picture). **Shach** likes the Mordechai it seems. **Taz** has a chiddush that Rashi didn't mean placing the mezuzah in between the two doorways but on the extreme right side of one of them, and the chiddush is that we look at the two doorways as if it's one long doorway.

- A. If there's two doors that open together, they'll be chayav in only one mezuzah (**seif 22**), but if they open separately, they'll require two separate mezuzos (**Taz**). **Aruch Hashulchan** argues this is only when there's an amud a tefach thick between the two, but otherwise, it would be pattur, as we treat it as one big door, like in the perpendicular case. As such, he says big doors which have smaller doors within them (even though it opens separately) are only chayav in one mezuzah together.

Types of Doors

I. Accordion and Sliding Doors:

- A. Fundamentally, sliding/retractable doors (like many garage doors) *do* count as a door (**CB 171** from **Chovas HaDar 7 fn. 42**), such that one could make a bracha on such a room.
- B. What about when the door slides or folds in a way that it always covers some space between the doorpost and where you're able to walk?
 - 1. **Chovas HaDar 8:3:fn. 8** has a yesod from **Da'as Kedoshim** that the width of the Pesach is determined only by the area which can actually be opened. So if you have a part of a door under the doorway which never/can't move, that unmovable door actually becomes the mezuzah for the doorway.
 - a) Consequently, he doesn't think you can put a mezuzah on the wall if you have accordion doors or sliding doors which – even when opened as much as they can – always have at least a טפח between the closed door and the wall. **CB 29** paskins this way, quoting the Chovas HaDar (although he notes **Teshuvos Vehanhagos** below disagrees). The same would be true about a door which has hinges that are separate from the doorframe, such that even when open, the door blocks more than a טפח of the path between the entrance and the doorframe.
 - 2. However, the minhag is to put a mezuzah on the wall either way. Halachipedia quotes **Rav Willig, Teshuvos Vehanhagos 3:328** and **Otzros Piskei Igros Moshe p. 11** beshem **Rav Moshe** as thinking this is fine.
 - a) See **Teshuvos Vehanhagos ibid.** for reasoning that a door can't minimize the size of the doorway. See **Agur Be'ohalecha 13:fn. 35 + 36** for more discussion rejecting the **Chovas HaDar's** approach above.

II. Revolving doors:

- A. **Chovas HaDar 7:21 + CB Bieurim pg. 144** both say that if one enters on the right side and exits on the left (as is the common set up), the mezuzah goes on the right side going in on the place where the wall is fixed, and not on the revolving door itself. They don't spell out what the psak would be if the doors revolved clockwise. However, **Rav Willig (quoted in Halachipedia)** thinks one puts it on the wall on the right side going in regardless of which way the doors turn.

III. Double-doors:

- A. With or without a pole in between, as long as they aren't both attached to the middle pole, we consider it a single doorway and you only put one mezuzah on the right (**SA 286:21**). If both are attached to the middle and the middle pole is more than a טפח wide, you need two mezuzos (this arrangement is much less common than the former).

IV. Many doors next to each other to the same entrance

- A. Sometimes you'll have many doors next to each other for seemingly no reason, and they all function equally well (like at the entrance to Furst). **Some acharonim** say to treat them all like one Pesach based on a **Yad Haketanna** and they just need one mezuzah at one end (see **Agur Bohalecha 26:8**). **Some** disagree (see **Pischei Mezuzos 296:109**), and at **YU**, they have another mezuzah for each opening.
- B. [See **CB 183** for how to be mevatel a doorway from being considered used, so that it becomes פטור from mezuzah.]

Who Can/Should Put Up the Mezuzah?

- I. Ideally, the mezuzah is put up yourself and using a shali'ach when unnecessary is in violation of מצוה בו יותר מבשלוחו (see **Chovas HaDar 9:2**).
 - A. What about the Minhag many have to be mechabed an אדם גדול to do it? **CB 289:8** argues (unlike **Chovas HaDar ibid.**) that this isn't a zilzul to the mitzvah and therefore is OK; in fact, it's a kavod to the mitzvah.
 - 1. Further, the **Gemara Menachos 33a** has a story where the Reish Galusa had Rav Nachman put up the Mezuzos which shows it must be OK.
 - B. לכתחילה, if someone will put up Mezuzos for you, you should be ממנה him as a shaliach so that the owner gets the mitzvah. But if there was no shlichus, the Kviah still works, as evident from **291:2** that the socher can put up a mezuzah which works for the next renter after the first one leaves.³¹
 - 1. [See **CB 289:8** and above that the Bracha when being honored is "על קביעת מזוזה" and not the normal לקבוע מזוזה.]
- II. Does placement of mezuzah need to be done lishmah? Machlokes Acharonim (see **Chovas HaDar 9 fn. 6**). **Rav Soloveitchik** wasn't sure as well (see **Mipninei HaRav 251** for the story).
 - A. As such, shouldn't have a goy or a kattin do it since it's a machlokes. (This sometimes happens when painters paint a wall that they'll put it up themselves afterwards.) **Agur Be'ohalecha 8:22** argues it's kasher בדיעבד; however, based on the above, it seems best to do it yourself.
 - 1. By a beis ketanim (house owned entirely by a Katan) where the Kattan is חייב midin chinuch to put on a mezuzah, **Chovas HaDar (end of fn. 7; 1:fn.25) + CB 46** argue it's פשוט they can put it on themselves, per the lashon of **Mechaber 291:3**.
- III. What about women?
 - A. Women are able to impart lishmah, but there's a "strange shitah" (of R' Yehoshua of Kotno, author of **Yeshuos Malko**) that since the gemara says they can't write the mezuzah, they also can't do the kevius mezuzah.
 - 1. **Chovas HaDar 9:3** says she absolutely can put up a mezuzah + **R' Vosner (Shevet Halevi 2:158:3 + in his haskama to Chovas HaDar)** also writes it's a "דבר זר" to say she's chayev in the mitzvah but can't do it, and **CB 42** paskins this way, and **Rav Schachter** said the same.

³¹ Because this is the case, **Minchas Yitzchak 2:83** argues that part of the din of Arvus requires me to put up Mezuzos on other people's homes who otherwise wouldn't fulfill the mitzvah.

How is the Mezuzah Placed?

Rolling and Placement of the Mezuzah in Its Case

- I. **SA 288:14** from **Menachos 31b** says you should roll it from left to right (starting with the “ד” of אחד and moving towards the beginning of Shema), so that you could immediately begin reading once you started to open it (**Rambam 5:6**).
 - A. Apparently, a couple decades ago, it wasn’t uncommon for people to put their Mezuzos unrolled/flat in wide cases, against the din of the gemara. Is this me’akev?
 - 1. **Many gedolim** thought the new practice wasn’t right since it simply went against the minhag, but would be kosher בדיעבד:
 - a) See **Chovas HaDar fn. 9** who argues it’s kosher per the הו”א in **Menachos 34a** that יכול יכתבנה על האבנים. **Mezuzos Beisecha + others** bring this ra’ayah as well.
 - b) **The Levush on 289:1** also says sounds like if the mezuzah begins to unravel by itself, it’s not a פסול, **R’ Chaim Kanievsky in Sha’ar Hatziyun 288:39** also says it’s kosher בדיעבד, and Rav Elyashiv in **Kovetz Teshuvos 3:154** at least entertains that you’re still yotze.
 - 2. However, **The Rav** thought one isn’t even yotze when they put up a mezuzah this way. Similarly, **CB Beurim pg. 118** is unconvinced one is yotze.
 - a) What about the ra’ayah above? **CB** explains maybe the reason you need to roll the mezuzah is specifically because it needs to be like a sefer, as **Rambam 2:1** implies. The gemara rejects the הו”א that it could be written on stones because you need כתיבה תמה, which **Rashi** explains it needs to be על הספר. If so, the reason there was a הו”א that this was OK (without rolling it) is specifically because we didn’t yet know that there was a din that it had to be like a sefer, but once we know that, it’s פשוט that rolling it *is* me’akev.
 - 3. If one were to roll it from top to bottom or bottom to top, since many of the letters would be upside down, this would certainly be פסול (**Chovas HaDar 9:fn. 25 + CB 288:67**)
 - B. After rolling it, it should be placed in the case such that the word שמע (at the edge of the klaf) is placed facing the airspace in the doorway, and not facing the wall (**SA 289:6** based on **Yerushalmi**. See fn. in “Slanting the Mezuzah” section for the hesber.)

שד-י The Shem

- I. On the flip-side of the mezuzah, we write specifically the שם שקי (**SA 288:15**).
 - A. Why this שם? Either as an acronym for שומר דירת ישראל (**Darchei Moshe** from **Kol bo**), or to serve as a reminder that we should be מסתפק with all that HKBH has given us, including the home that we have (**Sefer Chareidim 66:127**).
 - B. This whole din isn’t me’akev, and if you didn’t write שד-י, it’s still kosher (**CB 72 from Ashrei Ha’ish 64:29**)
 - C. The word is written either כנגד the word והיה (**SA 288:15 from Zohar**, and the **Minhag of Sofrim**), or in the space at the beginning before the Parsha of Vehaya (**Rema** from **Rosh + Rambam**, and recommendation of most poskim – see **Minchas Yitzchak 4:91 + CB 77**)
 - D. **Rema 288:15** adds that our Minhag is to write כו”ו במוכס”ז כו”ו, which is the words ה’ אלקינו ה’, but using the subsequent letter of each letter in the Alef beis (e.g. Alef turns into beis, lamed to mem, etc.). It’s written upside down so that each letter touches the corresponding letter of the mezuzah on the opposite side.
 - 1. **Many Sefardim** don’t write this, but the **Ashkenazim** follow this practice.

- II. **SA 286:5** says that one should ideally have the mezuzah visible, so that one can see the שם שד-י written on the outside of the mezuzah as one walks by.³² As such, a glass case is the ideal type.
- A. However, if you expect that people will sometimes pass by completely unclothed in that area, one should use an opaque covering, since it's a bizayon to the mezuzah to be uncovered in front of ervah, and ערוה בעששית is אסור (unlike for tzo'ah + טינוף; see **CB 286:79**).
- B. When opaque Mezuzos are used, they sometimes have שקי written on it, to make up for the lack of שם ה' being visible. However, if you're getting an opaque case for the Halachic reason above, this defeats the whole purpose and should be avoided (**CB 288:80**). Others just have a 'ש' on them, to be meramez to the שקי שם.

Attaching the Mezuzah to the Wall

- I. **SA 289:1** says that you put the scroll in a שפופרת (case) and attach that to the door.
- A. There's a very surprising **Ma'aseh Rav Os 98** (quoted in PT) that one isn't allowed to put it into another klaf or material, since it will be a chatzitza between the mezuzah and the doorpost.
1. Some (like **Emek Bracha Mezuzah 10**) argued based on this that you shouldn't use a case. However, many argued (see **CB tziyun 42**) that this can't be true, as the **Tosefta** quoted by **Tosfos 33a** is explicit you can have a שפופרת! It must be that since it's attached to the wall with nails or the like, it becomes part of the wall itself.
 2. Either way, the **ARUH** says this is against all the poskim, and we assume that it all becomes battel to the wall. He thinks the whole thing is a ta'us and the תלמיד must have misunderstood the Gra. **CB 289:5** (end) says we aren't makpid for this.
- B. Practically, poskim say that if you attach the frame to the wall with nails, etc., even if the mezuzah itself isn't attached to the wall with anything, but is just inside, that suffices, and that's the Minhag (**CB 289:55** from **Da'as Kedoshim**).
- II. **Pischei Teshuva 289:5** beshem **Yad Haketanna**: The Mezuzah (or its case) needs to be visible or recognizable, and can't be hidden inside the doorframe without a hekker. He learns this from the Yerushalmi's din that you need to put the mezuzah lower on an exceptionally tall doorframe. He thinks it's even me'akev. **Some** disagree or are mefakfek on this, but one should certainly be מחמיר לכתחילה. See **CB 58** for more.
- III. What materials can be used to attach a mezuzah?
- A. **SA 289:4**: Specifically says that the mezuzah should be attached to the doorway with nails (במסמרים).
1. SA uses the plural lashon, which sounds like you need to put in two nails – one at the top and one at the bottom (**Chayei Adam 15:19**). If you were to use just one nail, **Chovas HaDar 9:8** thinks it's פסול because it's dangling (see below). If it's not able to move, **Agur Be'ohalecha 10:4 + CB 56** are meikil at least בדיעבד, as **Rambam 5:6** writes that you can attach it “במסמר,” but one should certainly be מחמיר about this לכתחילה, since all the other poskim use a plural lashon.
- B. **Menachos 32b** says if you're במקל בלאה, it's פסול. **Darchei Noam 16** thinks that's because it's in the wrong place, but most of the Poskim (e.g. **ARUH 15-16** per **Rambam 5:8 + Tur**) disagree and think the issue is that it's not kavu'a on the doorpost.
1. Strong tape or glue is also fine (**ARUH 15**), as it's a strong attachment. **Minchas Yitzchak 7:72:3 + Shevet Halevi 4:143** agree that any strong, permanent attachment to the wall (חיבור חזק) suffices. This is unlike **Teshuvos Vehanhagos**

³² **CB 80** from **Gra beshem Zohar** notes there's an ענין to actually look at the שקי שם as you pass the mezuzah, and not just that the name should be visible.

1:646 who thinks misvarah that לכתחילה, one should use something which causes the mezuzah to become battel/built in to the binyan. However, he agrees it's kasher בדיעבד.

- a) **Shevet Halevi** seems to think that anything which ensures that it will be stuck in place suffices. He notes that **Shach + Bach** allow one to use something besides nails if it will be only קצר לזמן; they clearly understood that nails aren't part of the ikar hadin but just to make sure it doesn't fall; as such, if you know this will last for the duration that you'll have the mezuzah there, it's fine to use something which appears less permanent.
- b) Similarly, **Nefesh HaRav pg. 241** quotes that **the Rav** used scotch tape for Mezuzos on his summer home, in line with the above.
- 2. However, **Chovas HaDar 9:fn. 27 + CB 55** quote the **Da'as Kedoshim** that it's פסול if it can be easily taken off.
 - a) If one were to use just two pieces of scotch tape, these poskim would presumably say this doesn't suffice. It seems one should be מחמיר to use a strong attachment.
- IV. In theory, it can be placed inside the frame itself even without nails, so that it's lodged there and won't fall out (**SA 289:4** with **CB 57**). However, it shouldn't be more than a tefach into the frame (**SA ibid.**). See **CB 59** for three different potential reasons for why it's a problem once it's a טפח in.

Slanting the Mezuzah

- I. **Menachos 33a** says a mezuzah that is כמין נגר (like a peg) is passul. According to **Ma'adanei Yom Tov 9:Os ת**, this פסול is a הל'מ. However, it's a machlokes Rishonim what precisely the פסול orientation is: **Rashi, Rambam + others** say lemaskana a vertical mezuzah is kasher, but a horizontal one is פסול (like a peg put into a wall). **Rabbeinu Tam** thinks standing up isn't derech kavod, and it therefore must mean that horizontal is kasher while vertical is פסול (like a peg put into the ground).
 - A. **SA 289:6** paskins to keep it vertical like most Rishonim, as does the **Gra** (quoted by **Pischei Teshuva 8**). This is how Sefardim place their mezuzah.
 - B. **Rema** says the minhag is to try and be machmir for Rabbeinu Tam as well. Since it's clear in **Menachos 33a** that diagonal would be kasher, **Rema** says it's best to make it diagonal, with the upper part leaning into the house, and the bottom toward the outside.
 - 1. The orientation of the tilt is because **Rabbeinu Tam** thinks (based on **Yerushalmi end of Megillah³³**) that the bottom of the mezuzah needs to be closer to you before entering the room and the top of the mezuzah needs to be into the room one is entering.
 - a) If one were to tilt the opposite way, **CB 83** isn't sure that this is even kasher בדיעבד, as both Rashi and Rabbeinu Tam would say this isn't קריאתה. See

³³ The **Yerushalmi** says that "שמע" needs to be "רואה את הפתח." **Rabbeinu Tam**, who understands the mezuzah is lying down flat, understands this to mean that the top line of the mezuzah, which contains Shema, has to be into the incoming room, in the same way one would read a scroll lying flat in front of them, that the top of the text would be further away from them. **Rashi**, who understands the mezuzah is standing up, understands this to mean that the end of the rolled up mezuzah, where the word Shema rests, should be facing the space in the doorway, and not the wall to which the mezuzah is attached.

fn.³⁴ He notes that **Chovas HaDar 9:fn. 21** is machshir בדיעבד, but without any ra'ayah. Similarly, **Agur Be'ohalecha 11:6** is also meikil, but doesn't deal with the above question that lack of קריאתה דרך might be me'akev.

- b) Even a slight tilt is sufficient to fulfill this minhag (**Chovas Hadar 9:fn. 20** beshem **מק"מ**). **CB 78** agrees and notes it's better to do a small tilt than a big tilt, since once the angle is less than 45°, you might not be yotze the ikar hadin.
 - (1) **Minchas Elazar 2:36** is possel when the angle is too small, while **Agur Be'ohaelcha 11:5** thinks you're still yotze as long as there's some recognizable slant and not completely flat.
 - 2. If impossible to tilt, see **Pischei Teshuva 9 beshem Yad Haketanna** that one can just stand it up straight, as we really paskin like Rashi. This being the case, we'll prioritize a straight up mezuzah in the proper place over placing it slanted on the outside of the frame, and one shouldn't tilt the mezuzah if it will mean some of the mezuzah is off the frame (**CB 79**).
- C. If it's put lying down or upside down, it's פסול, and one has to put it up again properly (**Chovas HaDar 9:7**).
 - 1. In the case of upside down, **CB 70** says one would make a new bracha.
 - 2. It also seems one could make a bracha in the case where it was lying down, as me'ikar hadin, we paskin like Rashi to even make a bracha when it's standing straight up. If so, Rabbeinu Tam's shitah isn't really a safek, but just a middas Chassidus. **Chovas HaDar 9:fn. 23** says not to make a bracha, but **CB tziyun 429** leans towards making a bracha based on the above sevara.

The Bracha

Conditions to make a Bracha:

- I. In order to make a bracha, you have to meet the following ten conditions (**Rambam 6:1**):
 - A. The doorway (1) has two side posts, (2) is at least ten tefachim tall, (3) has a lintel on top, and (4) has a door attached to it.
 - B. The room (5) is 4 Amos (6"3 or 7"3) in both length and width, (6) has a roof, (7) is for a private or commercial use and not a shul or beis medrash, (8) is suitable for human dwelling, (9) is used for honorable activities (e.g. not for a bathroom or bathhouse), and (10) is a permanent structure
- II. One should put first mezuzah up on a doorframe that's certainly חייב and then move to other ones (**Chovas HaDar 11 fn. 14**); there's no requirement to start with the front door, which often isn't a full-fledged חיוב to begin with (**Agur Be'ohalecha 1:57**)

Text of the Bracha

- I. **SA 289:1** Bracha of לקבוע מזוזה is made before one puts up the mezuzah.
 - A. However, if a shali'ach makes a Bracha, **CB 7** based on **Rambam Brachos 11:13 + others** says that he changes the Nusach to "על קביעת מזוזה" since the mitzvah isn't mutal on him.
 - 1. See above about מבשלוחו בו יותר מצוה and being mechabed someone else.
 - 2. If multiple members of the house are going to all spread out to put up Mezuzos, the ba'al habayis should make the Bracha with them there and be motzi them (**CB 17**)

³⁴ For Rashi – if you were to unroll the ksav as you passed the doorway, the ksav would be near the bottom, and you'd have to tilt your head to read it; for Rabbeinu Tam, no one reading from a sefer on a table ever raises the bottom of the sefer alone.

per **SA OC 432:2 + MB 9** there by bedikas chametz). As long as the ba'al habayis puts up some of the Mezuzos, that suffices to ensure there's not a problem of מצוה מבטלה. בו יותר מבשלוחו.

- II. We don't make a shehechyanu on putting up a mezuzah (**Shach 289:1**), even if it's the first mezuzah on a brand new house, since the shehechyanu would be on the mitzvah of mezuzah, and not the house itself. However, **CB 289:10** from **Kovetz Teshuvos 2:43 + others** says that if one *hasn't* already made a shehechyanu on buying the house itself, one can make a shehechyanu (on the house) before making a לקבוע מזוזה on putting up the first mezuzah, and have the mitzvah of mezuzah in mind as well.³⁵

Specifically During the Ma'aseh Mitzvah

- I. See fn. that one only makes a Bracha on the ma'aseh Kevi'as mezuzah.³⁶ As such, you shouldn't affix the mezuzah before you're ready to move in, as you then would forfeit the bracha (based on **Birkei Yosef, Minchas Yitzchak 4:89, Chovas HaDar 9:1**). See **CB 289:9** for more.
- A. If one *did* put up the mezuzah beforehand, see the "Ta'aseh Velo Min Ha'assui" section below for whether this is an issue, and what's necessary to enable one to make a bracha again.
- B. What counts as "living" such that the חיוב starts? This determines when one could put up a mezuzah with a bracha for a home one bought (even in חו"ל), as well as a rental in א"י. It's also important for a rental in חו"ל to know when to begin counting the 30 days.
1. **CB 289 fn. 94** paskins based on the **Ashrei Ha'ish + Teshuvos Vehanhagos 4:240** that once you eat a סעודה קבועה or sleep there, it's considered you're living there, and you can put up a mezuzah with a bracha at that point.

Making a Bracha on Mezuzos that are Already Up

- I. If one forgot to make a Bracha, **Chovas HaDar 11:3** quotes a machlokes acharonim if you can say a Bracha afterwards.
- A. **Rav Ovadya (YO 8:27)** thinks one can make a bracha me'ikar hadin since he thinks mezuzah is a מצוה ממושכת; **Rav Moshe YD 1:179** assumes the same by a mezuzah that was put up before 30-days of renting he home, and learns from tzitzis.
1. However, **Rav Moshe in YD 179** thinks that in such a case, one still needs to do משמוש, but that this suffices. He says it's no different than tallis, where one can make a bracha if they haven't yet done so as long as they're just ממשמש, even though that's not actually a relevant ma'aseh to the mitzvah – it's just a hekter to fulfill לעשייתן עובר for the purposes of making a bracha. He says it's better to take

³⁵ **CB 10** (end) from **Ashrei Ha'ish** notes that even though if one has family members, the proper Bracha on the house is הטוב והמטיב, one is still yotze with shehechyanu, so it's OK to do this, and that this is apparently the Minhag.

³⁶ **MA 19:1** held that one moving into a house with a mezuzah already on it should make a bracha of לדור בבית שיש בו מזוזה, but **Birkei Yosef** there, **Aruch Hashulchan 289:3** and most acharonim reject this and make two main arguments: A) How did he make up his own bracha if it needs to be made by אנשי כנה"ג? [**Rav Schachter** noted this isn't so compelling since it could be that's not really a klal, and they were just mechayev to make a bracha.] B) The bracha is on the kevias mezuzah – on the ma'aseh mitzvah, and not on the kiyum. **Rav Schachter** said this ta'anah is what we accept.

off the mezuzah and put back on with a bracha, but mishmush alone works midina.³⁷

- B. However, **Rav Schachter** thinks one cannot make a Bracha without a ma'aseh, as per those who disagree with the **MA 19** he like to quote (I confirmed this with him). **Agur Be'ohalecha 7:5** paskins this way as well and quotes the **Rambam's son** as support in ברכות 2:239 (ה' המספיק לעובדי ה' הלכה ל' הל' ברכות) who says this explicitly.
- C. Assuming we paskin this way that one can't make a bracha without a new ma'aseh, and that משמוש does *not* suffice, can/should one take down the mezuzah so that they can put it up again with a Bracha? The same question exists when one moves into a home that already has mezuzos put up beforehand.
1. **ARUH 286:24** says that even in such a case, one doesn't make a new bracha when they take it down and put it back up "כמובן" and later says (in **291:2**) that one could make a new Bracha only if you take down a mezuzah to check it first. This is also the psak of the **Derech Hachayim** before him, and **CB 289:fn. 97** quotes this from **RSZA + Ashrei Ha'ish 63:6** as well.
 - a) However, it's hard to understand why this should be, as you're certainly getting a mitzvah by living in the house, and you just need some ma'aseh in order to make a bracha, so why do I need to check the mezuzah in between? **Agur Be'ohalecha 7:6 + CB fn. 98** both struggle with this. **CB** suggests that just taking them down and putting them back up isn't considered a ma'aseh, since the whole removal and replacement is שלא לצורך כלל. It's still hard to understand though, as he himself notes.
 2. The majority of acharonim (**Ksav Sofer 139, Da'as Kedoshim 286:23, Mikdash Me'at 47 there, Har Tzvi 236, Rav Moshe YD 179 + more** all quoted in **Agur Be'ohalecha 7 fn. 19**) assume you'd make a new bracha.
 - a) As such, **Agur Be'ohalecha 7:7** thinks that although if you take it down and put it up, you *should* make a new Bracha, you shouldn't intentionally take it down just to make a Bracha, as you're being machnis yourself into the above machlokes. **CB ibid.** also suggests taking it down only if you'll check one of the mezuzos.
 - b) However, **Rav Schachter** thought it was פשוט you could and should do this in order to make a bracha (i.e. without having to check the mezuzah).
- II. If one put up a mezuzah with a Bracha in a way that was certainly פסול (e.g. on the wrong side), when they correct it, they make a new bracha (**Chovas HaDar 11:11**)
- III. If a room changed in its level of חייב:
- A. **RAE end of Siman 9** (quoted in **PT 291:2**) seems to hold one can make a bracha on a mezuzah when he changes from patur to chayav (or maybe even chayav miderabanan to deoraisah) without any ma'aseh keviah whatsoever. (See **Nachalas Tzvi there.**) **Birkei Yosef** quoted in **Pischei Teshuva ibid.** explicitly rejects such a possibility.
1. **Chovas HaDar 11:13** says one certainly doesn't need to do anything in a case of חייב miderabanan to חייב mideoraisah if they already made a Bracha.

³⁷ See **CB Beiurim pg. 71** who argues that there's a sevara to say that משמוש only works for something that's on your body, such that it's as if one is putting the item back on/doing a ma'aseh levishah. If so, mishmush for a mezuzah attached to the wall is meaningless. He notes **some acharonim** think mishmush won't work for mezuzah (including **Har Tzvi 236**), while **RAE 2:13** sounds like it will work, in line with Rav Moshe.

Bracha After Taking Down Mezuzos or Checking Them

- I. If one takes off a mezuzah (that was originally put up properly with a Bracha, unlike the case above), and puts it back on, do they make a bracha? This comes up whenever someone has their Mezuzos checked and found they were kosher – do they need to make a new Bracha when they put them back on?
 - A. If they just take it off and put it back on (for whatever reason) *without* checking the mezuzos, see **Nachalas Tzvi end of 286** that one does *not* make a new bracha, just like we see by tzitzis in **OC 8:14**.
 - B. If one took them off to check the mezuzah themselves, and they put it back on that same day, **Chovas HaDar 11:14 + CB 289:4** say one doesn't make a new Bracha, as that's the *haskamas ha'acharonim* (**PT 289:1 + ARUH 4; Birkei Yosef end of 286** is *mistapek* about this).
 - 1. However, if one waits until the next day, **ARUH 289:4** says one needs a new Bracha since it's a large *hefsek*. **Chovas HaDar 11:fn. 26 + CB 4** paskin this way per the **ARUH + Teshuvos Vehanhagos 2:551**, and notes that this is the *Minhag*. He explains that sleeping is inherently considered a *היסח הדעת*.
 - a) As such, if the Sofer didn't give it back that day, or you had to wait a day or more for painting, you need to say a new Bracha when you put it up again.

If the Mezuzah Fell Down

- I. If a mezuzah fell down, when you put it back up again, you need to make a Bracha (**ARUH 289:4 + Chovas HaDar 11:15**). [This is the *Pashtus*, although **CB 4 (end)** quotes earlier *acharonim* who disagree if you have other Mezuzos left on other rooms of your house]

Replacing One Mezuzah with Another

- I. If you put up a *new* mezuzah, the halacha might depend on why you're doing so:
 - A. If you had your Mezuzos checked and had to replace the *פסול* ones, **ARUH 4 + CB 4 from many others** say that you need a new Bracha, since it's certainly a *היסח הדעת*, as you didn't originally intend to put a different mezuzah up.
 - B. However, if you're intentionally taking down one mezuzah to replace it with a second – even though the first isn't *פסול*, but is just less *mehudar*, or the 2nd one comes from a better Sofer³⁸ – there's a *machlokes* if a new Bracha is needed:
 - 1. The simple understanding is that you need a new Bracha since it's another *cheftza shel mezuzah* (**Maharam Shick 285, Teshuvos Vehanhagos 2:551, Chovas HaDar 11:14 + others** quoted in **CB tziyun 23**).
 - 2. However, the **Maharshag 1:57** disagrees since it's not a new *mitzvah*, but a *hemshech* of the original *mitzvah*. The *mitzvah* isn't to have *this* mezuzah on the wall, but to have *a* mezuzah on your wall, and this is continuing that *mitzvah*. **Rav Schachter** told me he thinks this is the correct *psak*. **CB 4** ends with a *צ"ע למעשה* since **Rav Elyashiv** was inconsistent about how to paskin this *shailah*.
 - a) Accordingly, the only time you'd make a new Bracha is if there was no hemshech, such as if the first mezuzah was found to be פסול or there was at least a night where you had no mezuzah on your door.
 - 3. If a mezuzah was switched from one *פתח* to another, the same *machlokes* as above applies (i.e. is it a different *cheftza shel mitzvah* on that doorway, or is the *mitzvah* just to have *a* mezuzah on the doorway).

³⁸ As an aside, **CB 289:4 from Mezuzos Beisecha Sha'ar Hatziyun 16** notes that these reasons suffice to change Mezuzos, but if not for that, it's inappropriate to change one mezuzah for another due to a *חשש bizayon* per **MB 15:3** by Tzitzis.

- a) As such, one should mark where each Mezuzah was originally placed before checking them so that they don't get into an additional safek Brachos question if they put them up that same day.
- b) There's an additional issue that you aren't supposed to move a mezuzah from a vadai חיוב to a safek חיוב, as it's a zilzul in its kedusha (see **Teshuvos Venhahagos 1:649, Chovas Hadar 1:9 + CB 4** [end]).
 - (1) For example, one shouldn't transfer it from a doorway with a door to one without. However, you can be meikil (in terms of this issue) to switch between two doors of the same level חיוב.
 - (2) If they're both חיוב, but one is מידעוראיש and the other מידעוראנאן (like a rental house), see **CB 291:23 + tziyun 102** who leans lehakel.

Hefsek Between Putting Up Multiple Mezuzos

- I. One makes only one bracha no matter how many mezuzos are put up (**Rema 289:1**). One then shouldn't speak until all the mezuzos are up, except for things relating to the mitzvah [**Chovas HaDar 11 fn. 10**].
 - A. If one speaks about something unrelated, **most poskim** say you need a new Bracha on subsequent mezuzos, and argue the best parallel to this is speaking in between the תפילין של יד + של ראש, where you have to make a new Bracha. Like Tefillin, the multiple mezuzos you have to put up are separate mitzvos where you're mechuyav to do both of them (**Chovas HaDar 11:9 + Agur Be'ohalecha 7:39**).
 - 1. However, **Rav Schachter** thought to compare it to being mafsik between one shechita and the next, where we don't say a new Bracha on multiple shechitos. The **Chovas HaDar** raises this possibility but both he and **Agur Be'ohalecha** think this parallel is worse, as there's no חיוב to go and shecht the next animal, unlike Tefillin + mezuzah where I'm mechuyav to do both, as above.
 - a) The **CB 16** also thinks one shouldn't make a Bracha out of safek, but based on a different ra'ayah. He points to **MB 8:28** that poskins one doesn't make a new Bracha if one spoke between wearing two separate begadim with Tzitzis based on the **Taz + Gra there**. Although their reasoning is because you have no חיוב to wear the second pair of Tzitzis, and therefore speaking doesn't constitute a hefsek, CB argues that here also, I have no חיוב to live in this house, and it's only because I'm choosing to do so that I have a חיוב to put up all these mezuzos.
 - b) Personally, I think this comparison isn't a good one: By Tzitzis, I haven't yet put on the second garment, so I literally have no mitzvah to go and put on/wear this second pair of Tzitzis. By the mezuzah case, you're already living in the house (and all its rooms) which is why you're able and required to put up a mezuzah on every doorframe. That being the case, I *do* have a חיוב to put up the 2nd mezuzah, and it's mistaber like **Chovas HaDar + Agur Be'ohalecha** that you *would* make a new Bracha if you were mafsik.

Purchasing, Maintaining, and Keeping One's Mezuzos

How To Buy a Mezuzah

[See separate document for more details of buying Tefillin, Sifrei Torah, and STA” M Halachos in general. This is just a quick overview as it relates to mezuzah.]

- I. Basic rules about general quality of mezuzah (From Rav Lebowitz):
 - A. Important to know a Sofer stam to reach out to.
 - B. Know where you're buying mezuzos from. Buy from a Sofer stam and not a Judaica store.
 - C. Identify the style of ksav.
- II. There are four styles of ksav. Three main ones and a fourth subcategory. “Beis Yosef” is standard ashkenazi ksav (ironic). “**Ksav Arizal**” is very similar – incorporates changes to the ksav al pi Kabbalah made by the Arizal, and is used by chassidim. “**Ksav Velish**” is used by Sefardim, and “**Ksav Chabad**” is Ksav Arizal with a slight difference.
 - A. Seven letters are different between Ksav Beis Yosef and Ksav Ari: The easiest way to tell is that a ך in ksav Beis Yosef is two zayins put together, while ksav Arizal is a vav and a zayin. An ן in ksav Beis Yosef is made with a zayin for the left arm, while Arizal is with a vav. Same with a ן on the left side, ן, and ן.
 1. Gemara **Shabbos** asks if you took the גג of a חית and turned it into two zayins, is that kosev? Seems explicit like Ksav Beis Yosef, and the **Da'as Kedoshim** thinks this might be a פסול. The Mekubalim say *toras hanistar* is like the **Arizal**, but standard Ashkenazim should follow נגלה.
 - B. There's a few other differences as well:
 1. In ksav Beis Yosef, the bottom left of the ך is an upside down yud, while in Ksav Arizal, it's more similar to a dalet.
 2. Ksav Beis Yosef ן doesn't have a tag on top, while Arizal does.
 3. Letters of סופ"ר won't have a tag in ksav beis yosef.
 4. In ksav Arizal, the right side of tzadi is a backwards yud, while it's a normal yud for ksav beis yosef.
 - a) **Steipler** thinks this was a potential פסול, and said the **Chazon Ish** agreed (unlike rumors that he thought to do like Arizal on this). The Chofetz Chaim is also reported to have thought this was פסול (see **Chazon Ish OC 9 + Inside Stam 3:fn. 127**)
 - C. The Kashrus of different kesavim:
 1. **Ksav Beis Yosef** is the only ksav that everyone agrees is kosher. It's the ksav discussed by all the Rishonim.
 2. An Ashkenazi can certainly make a bracha on the other kesavim as well, but there were poskim who thought that

כתב בית יוסף

אבגדהוזחט

טיכךלמם

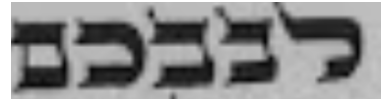
ןנסעפף

צץקרשת



certain letters in Ksav Ari (like the Tzadi mentioned above) and Ksav Velish (see Inside Stam fn. 127 for a list) was פסול, so it's less לכתחילה for someone who isn't Chassidish or Sefardi. **Rav Schachter** similarly said best to be makpid for Ksav Beis Yosef.

3. **Rav Mendlowitz:** Ksav Chabad is the most problematic for anybody who isn't a chassid of Chabad. If you're a rabbi of a kehilla, can use velish or Arizal in a big sha'as hadchak, but using Chabad sefer Torah is really not so פשוט.
4. The ך is the biggest problem – they have a thick heel on the bottom right side of the beis, so it mammash looks like a כ. See picture below for the word “לבבכם” in Ksav Chabad. [See [here](#) for response to him. I think R' Mendlowitz was just saying that because the difference is so minute, it's often the case that a beis will be done improperly, such that the who sefer Torah is פסול. I don't think he was saying a proper beis in their Ksav is automatically פסול, as the author there understood him.]



III. Other things to look for:

- A. The size of the mezuzah – a tiny mezuzah is most likely to be פסול, and is often very בדיעבד even if kosher (see Shevet Halevi **4:140**). They're regularly written by people who don't know the first thing about Halacha. As such, it's better to have big ones since the average big one is more לכתחילה than the average small one.
- B. Look for certain common mistakes:
 1. Sta”M should always be written in thick letters so that they don't quickly fade. If you see incredibly thick connecting lines or tagin, avoid it (see **SA 32:4 + Inside Stam pg. 55**)
 2. What's a lamed? A chaf with a vav on top. Sofrim have a yetzer Hara to shrink the top of it, but that can פסול it.
 3. Gimmel should have right leg slightly lower than left leg. If not the case, that's a problem.
 4. Top right in letter ך shouldn't be rounded, but square. **MB** thinks it might be פסול.
 5. Samech is curved on both sides, while Mem sofis is square on both sides.
 6. A standard mem should be made such that it's square on the bottom right; it shouldn't be rounded. A yud should have a tiny kutzo shel yud on the left side sticking down. If too far, it could be like a cheis.

IV. Should one be paying top-dollar for high-quality mezuzos? **Inside Stam pg. 222** argues that when you have doorways that are חייב mideoraisah (i.e., you own them, space is 4x4 Amos, with a door, etc.), then you should be mehader to get the highest-quality Mezuzos that you can reasonably afford. When the חייב is miderabanan or misafek, don't need to pay as much, as long as it's certainly kosher.

- A. It costs a lot of money, but it's a worthwhile investment. They have a relatively new program called STAMP, where you can be sure that the mezuzah you're buying is a kosher, mehudar mezuzah. Highly recommended for those who can afford it (at least for the Mezuzos that are a real חייב).

Checking Mezuzos + Switching to Other Doors

- I. **SA 291:1** from **Yoma 11a** says you have to check your mezuzos twice every 7 years for personal Mezuzos, and twice every 50 years for Mezuzos of the public / של רבים [such as a shul or beis Medrash (**CB 9**)].
 - A. Seemingly, this means once every 3.5 and 25 years, but **CB 6** notes it's a little strange the poskim don't say this way (although he notes the מסכת מזוזה does say “once every

25 years"). He leaves this as a צ"ע. In contrast, see **Ve'alehu Lo Yibol here** that **RSZA** argued it's because the חיוב isn't exactly every 3.5 years, and you can do one time after 3 and another after 4, as long as it's generally in that ballpark.

II. Is this bedikah requirement mideoraisah or דרבנן?

A. **CB Beurim pg. 156-157** argues the חיוב to do twice every 7 years must be דרבנן when there's no specific ריעתא/reason to be concerned, since otherwise they wouldn't have been able to פטור the רבים של mezuzos with twice every 50 years. He notes **Emek Bracha 11** says the same.

1. **Levush + Ritva** sound like the shiur of twice in a **Yovel** is deoraisah, and the חיוב bedikah on the יחיד של מזוזה to do more than that is a takana miderabanan. Either way, the standard bedikah twice every seven years certainly isn't deoraisah.

III. What exactly are you checking?

A. Me'ikar hadin, you're just checking to make sure the klaf hasn't rotted, and the letters haven't become erased, faded, smudged or cracked (**CB 1** from **Rashi + Meiri**).

B. **Chasam Sofer YD 283** based on **Tosfos Menachos 43a** (quoted by the **PT**) notes that me'ikar hadin, you don't need to check that it was *originally* written properly. So long as you bought it from someone who is regularly employed/utilized by the community (סופר), he's assumed to be a מומחה who wrote it properly (see **MB 39:19**). You're just checking that the text is still in good condition. As such, you don't really need a Sofer to check a mezuzah me'ikar hadin (**Chovas HaDar 1:8 + CB 4**).

1. Similarly, **RSZA in Ve'alehu Lo Yibol here** is quoted as saying that if you check Mezuzos, you just need to check that the letters haven't cracked or faded, but don't need to check everything else, and as such, you don't need to send it to a sofer.

2. **CB 4** from **Mezuzos Beisecha** notes it's good to make sure the Sirtut is there as well, since if it fades, it will be פסול (see **288:8 + CB 40 there** from **RAE + others**).

3. **CB 4** concludes that all this is מעיקר הדין, but lema'aseh, unless you know that the Sofer was someone with a Ksav Kabbalah or you've since checked it once properly for תגין + תמונות האותיות, יתירות, חסירות, you should get it checked by a proper מגיחה, as there are so many stories of Mezuzos bought from someone who was פסול being completely פסול לרבים.

C. A few other notes about checking (from **CB 3**):

1. We don't rely on chazakos by checking, i.e., because you see a few of your Mezuzos haven't faded, you can't assume the others are good as well, since each is in a different place with it's own conditions (**ARUH + Birkei Yosef** brought by **PT**).

2. Take out the mezuzah carefully, since you can פסול it by bending the klaf.

3. The תיק המזוזה is תשמיש דקדושה and requires Genizah.

4. As noted earlier in the "Bracha" section, when checking, one should mark which room each mezuzah was originally in, so as not to move a mezuzah from a higher to lower-level חיוב.

IV. Does the requirement to check still apply nowadays?

A. **Rav Schachter** quotes **RSZA** (found in **Va'alehu Lo Yibol here**) that you don't need to check mezuzos which aren't exposed to the elements, since we have temperature control nowadays. **Rav Mendlowitz** quoted the **Shulchan Gavohah** as saying this.

1. However, **Aruch Hashulchan** says that if one puts them in a place subject to become damaged, they should be checked once a year. Similarly, **poskim** say if you know the klaf got wet, you should check it immediately. All this is certainly still true. [In this case, **CB Beurim** ibid. argues that the חיוב bedikah is deoraisah, since there's a specific ריעתא in the chezkas Kashrus.]

- B. **Rav Mendlowitz** (author of Inside Stam) doesn't think this is right in metzius, as we see the ink fades over 15 years, so certainly needs *some* checking. Once that's the case, he thinks they need to be checked every 3.5 years as that's the takanas chazal.
- V. When checking mezuzos, do you need to put up a replacement mezuzah during that time?
- A. Potential reasons to say you don't:
1. **Rav Simon** thought לא נתנה תורה למלאכי השרת, and pattur. I haven't seen this argument in poskim and it's certainly a chiddush.
 2. **Emek Bracha 11** argues that although the חיוב bedikah is דרבנן, it must be יש כח ביד חכמים לעקור המצוה בשו"א.
 - a) **CB Beurim pg. 157** notes this is dachuk, since they didn't *need* to be oker the asseh, and could have included in the takana to put another one up.
- B. **Chovas HaDar 18** says the standard psak is that you do, but that you can be meikil not to if you have a rented home in Chutz La'aretz, such that your חיוב is only miderabanan. This "standard psak" is what the **Teshuvos Vehanhagos 1:643** writes.
1. **Teshuvos Vehanhagos ibid.** says a mezuzah checker should have kasher Mezuzos to cover the homes of those who give him their Mezuzos to check.
- C. **Rav Lebowitz in a TMH** shiur said he thinks the eitzah of poskim is that you can take them down if it will be returned that same day, but you should put up different mezuzos if it will be longer than that. However, in this case, still don't make a Bracha since it's too temporary.
1. The concept that you don't need to replace them while checking them is already found in **Da'as Kedoshim 291:1** who takes it as a Davar נשוי that you don't need to replace them if just taking them down to (quickly) check them and put them back up. It's only if you're waiting to show a mumcheh a shailah you have that you need to put up a mezuzah (when you own the house and the חיוב is deoraisah).
 2. What's the hesber for such an approach? **CB Beurim ibid.** argues that in a time where everyone would do their own checking (like **Chasam Sofer** says), it's a very small amount of time, so to put up a replacement mezuzah for that short period wouldn't have a תורת קביעות, so there was no way to accomplish the mitzvah during the time of the bedikah. However, if the bedikah will take a bunch of hours and certainly if it will be a full night, it could be that you're חייב mitzad hadin, since now it has a תורת קביעות.
- D. I spoke with **Rav Schachter** and he thought all these kullas were "very questionable." I have a mitzvah to have mezuzos on my Pesach the whole time, so how can you choose to leave it for even a short amount of time?
1. Nonetheless, he agreed you wouldn't make a Bracha on the temporary mezuzos – not because they're temporary, but because there's a *hemshech* in the mitzvah (see above re: Bracha when there's a hefsek).
 2. **CB beiruim pg. 122 לקבעה ד"ה + pg. 157 ובפנים ד"ה** similarly wonders why people are נוהג to take down their Mezuzos during checking and not to have a replacement, if they're being mevatel an asseh every moment. Like Rav Schachter, he concludes in **CB 291:1 (end)** that it's best to put up replacement ones
 3. In fact, because of the potential bittul mitzvah, **CB Beurim pg. 158** questions the practice cited by **Matteh Efraim 581** to check Mezuzos every Elul, as you're causing a bittul mitzvas asseh which Chazal never mandated. The "פנים משורת" checking might ironically be a net negative.

Taking Mezuzos After Leaving House

- I. **SA 291:2**: When moving out, **BM 102a** quotes a braisah that you need to leave the mezuzah for the next Jewish tenant.
 - A. The gemara tells an extreme story that someone once took the Mezuzos down from his rental home, and ended up (as punishment) having to bury his wife and two sons. It's clear that besides for just the issur involved in doing so, there's also an element of סכנה to do so.
- II. Reason for this din:
 - A. The **Rishonim** say the reason for this halacha is either because the mezuzah is a shmirah from mazikin, so if you take it with you, you're causing a hezek to the next person (**Tosfos BM 101b + others**³⁹), or because the Mezuzah causes the Shechinah to rest in the house, and you shouldn't take it away (**Ritva BM 102a**). Both of these understandings explain why the punishment is so severe.
 - 1. [**Shevet Halevi 9:221** notes that it must be there's a shmirah from hezek even on a חייב דרבנן, as many poskim understand that the חייב mezuzah on a rental is a din דרבנן, and yet the gemara has this din written specifically by a case of sechirus.]
 - B. There's another possibility that some Rishonim (**Sheiltos 126, Rav Hai Gaon** quoted by **Meyuchasim Leritva 102a + others**) give that this is just an issue of bizui mitzvah. According to them, as long as you'd be taking your Mezuzos and putting them on a *different* home, it's מותר since then there's no bizayon to the mitzvah, like we say by Tzitzis that you can remove them from one begged to put them on another. [See **CB 20** for explanation of why the punishment for this would be so severe.]
 - 1. Because there's an element of סכנה involved, the **Beis Lechem Yehuda** says not to ever be meikil about this. The **Birkei Yosef** (quoted by **PT 7**) agrees in practice that one generally shouldn't be meikil, but thinks that if you're going somewhere where you won't be able to *find* Mezuzos to put up, you can be meikil in that sha'as hadchak to take them with you. [It's clear that just the expense involved isn't reason enough to be meikil.] **ARUH 3** isn't sure this is correct (and probably won't ever come up in the contemporary *metzius*), but what's clear is that in any standard case, one needs to be מחמיר about this, despite the expense involved (**CB 20**).
- III. Even if the next tenants have their own Mezuzos, **Birkei Yosef 5** quoted by **PT 7** says that one still can't take down the mezuzos due to a lo plug. **Minchas Yitzchak 5:110:2** says one should be מחמיר for this.⁴⁰
 - A. **Be'er Moshe 3:181** comes to the same conclusion, and explains that if the new buyer doesn't want to pay for the old Mezuzos, he can put up his own Mezuzos and send the old ones to the old tenant, but the old tenant can't take them down himself beforehand.

Exceptions to this rule

- I. If the next tenant isn't Jewish, or at least that a Jew won't necessarily be the next tenant after you, you can take your mezuzos (**SA ibid.**).
 - A. In contrast, if the next tenant is Jewish or the owner of the building only ever rents to Jews, and you know they aren't painting the home in between (more on this below), then you have to leave your Mezuzos even if it will be months before the next tenant comes (**Shu"t Ya'avetz 117-119a** paskined by **Minchas Yitzchak 10:96:1 + CB 24**)

³⁹ **CB Beurim pg. 161** discusses whether the חשש is that the mazikin will cause damage before the next person puts up his Mezuzos, or that they'll have an effect on that person even after he puts up his own.

⁴⁰ After reading the teshuva carefully, I believe this is the correct understanding of what he's saying, as **CB** reads it. It's honestly a little unclear, and **Rav Lebowitz** in a TMH quoted it as saying the opposite.

- II. If you're renting from a goy, and there's going to be a time period between when you end your lease and the next (Jewish) tenant's begins, such that the goy might repaint or mistreat the mezuzah, you're allowed (and required) to take down the mezuzah (see **Shach here, ARUH 3, IM YD 4:44:1 + CB 28-29**).
 - A. However, if the next tenant is Jewish, and you know there *won't* be time between your lease and the next renter's (such that there's no concern of bizayon), then you can't take down the Mezuzos.
 - B. If the next tenant is off the derech (ישראל מומר), you should take the mezuzah down since there's a חשש they'll be mevazeh it (**CB 30**); however, if he's respectful but just not *shomer torah u'mitzvos* and would treat the mezuzah well, **CB 30 + Teshuvos Vehanhagos 645** think one needs to leave it.
 1. Relatedly, If a man is married to a non-Jewish woman (or vice versa), **Teshuvos Vehanhagos 3:327** has a big chiddush that one should *not* help them fulfill the mitzvah of mezuzah, since the whole idea is עול מלכות שמים, and this person doesn't have emunah to deserve being able to have a mezuzah. See there.
- III. Even if you're renting from a Jew, if he'll be painting and therefore has to take down the Mezuzos at some point, you're allowed to take it down yourself and keep it, even though it will be many days before they actually start painting (**CB 24** based on **IM 4:44:1 beshem Rav Henkin**).
- IV. You can certainly take a nice case you have with you; just the Mezuzos themselves need to be left there per the reasons above (**CB 25**).
- V. A potential Eitzah:
 - A. If you have mehudar or sentimental Mezuzos you want to keep, **many poskim** allow you to replace them with cheaper (kosher) ones (**Da'as Kedoshim 1, Mikdash Me'at 4, Be'er Moshe 3:181 + Minchas Yitzchak 5:110** [at least when that person has his own Mezuzos]).
 1. Although **Chazon Ish Kesavim 24:12** was מחמיר about this, as is the **Teshuvos Vehanhagos 1:654**, all agree one can take them down to *check* them, and then put up different, lower-quality ones at that point.
 2. If it's not שיידך to check them, **CB 21** concludes one can be somech on the mekillim and just switch them out, as **Rav Elyashiv + Chovas HaDar 1:12** are meikil as well.
 3. In this case, **Be'er Moshe ibid.** says not to make a bracha since you're putting up the lower-quality Mezuzos for such a short period of time. **Rav Schachter** would similarly say not to make a bracha, but for a different reason that it's all one hemshech of the same mitzvah

Charging for Mezuzos when you leave:

- I. **Rema** from **Rabbeinu Manoach, Ritva 102a + others** says that although you can't take the Mezuzos with you, you can charge the next person living there for them.
 - A. Some of the Rishonim (see **CB tziyun 119**) say that he'd even be חייב in beis din to pay. **Beis Yosef's** Lashon is just that it's "טוב לשלם לו" but he isn't required to, while **Rema's** Lashon of "צריך לשלם לו" is ambiguous – see **CB 27** for how poskim land on this issue.
- II. However, even if when you tell the next tenants to pay you, they say they're not interested and they'll bring their own, **ARUH 3 + Igros Moshe 4:44:1** both say you still can't take it down, as the reasons for the issur still apply. **CB 27** paskins this way.
 - A. Nonetheless, **Minchas Yitzchak 9:106** notes that in a case where you're leaving the home to the person you're paying rent to, because you're entitled to that money, you can withhold rent to the value of the mezuzos if he says he won't pay for it. Because of the above machlokes, your ta'anah is at least good enough to be Tofes the payment on something you haven't yet given. (This won't help in a standard apartment case though, because the next *tenants* owe you for the mezuzah, and not the landlord.)

Miscellaneous

Prioritizing Mezuzah vs. Tefillin and Other Mitzvos

- I. Kadimah between mezuzah and tefillin: **Rema 285:1** paskins to do tefillin since it's a "חובת הגוף".
 - A. What's this mean?
 - 1. See **RAE 285:1** that **Shu"t Beis Hillel** learned this to mean something *attached* to one's body, but **RAE** rejects this. **RAE** explains tefillin is a mitzvah that's a chiyuv gamur on the person, while mezuzah is only a chiyuv if one happens to own a house that's chayav in mezuzah (like by a begged tzitzis, that it's only chayav if one is wearing a 4-cornered garment). He notes **Yerushalmi** is explicit that this is the pshat, and that such mitzvos are considered lower tier/chiyuv than other mitzvos that are always a chiyuv.
 - B. See **there** for other reasons to paskin tefillin over mezuzah, including:
 - 1. It's a question of tadir in the Yerushalmi. We paskin that matzui is not considered relevant to tadir like Rava and not Rav Huna bar Yehuda (**Zevachim 91**), and thus tefillin is more tadir, while mezuzah isn't since it's not a chovas haguf.
 - a) He notes one might argue tadir is only relevant when one will do both mitzvos, and it's just a question of kadimah, but not when one is saying to do one mitzvah and not the other, but he rejects this based on a **Rosh Shabbos 2:12 + Tosfos Sukkah 54b**.
 - 2. Even if one wants to discuss whether Tadir or mekudash is kodem, we paskin in **Siman 290** that tefillin are more mekudash than mezuzah.
 - a) He interprets that the **Yerushalmi** holds that מקודש ומקודש קודם, unlike the **Bavli in Zevachim** that holds it's an איבעיא דלא איפשיטא. [**Rav Schachter** likes to quote this that Yerushalmi holds מקודש קודם, probably based on this RAE.]
 - C. See **Pischei Teshuva** that the din changes if one can borrow tefillin from someone. It's a machlokes acharonim there whether he needs to know he'll always be able to borrow tefillin, or if even a safek is good enough.
- II. **RAE 9** writes that mezuzah comes before sukkah or mezuzah

Giving or Selling a Mezuzah to a Nochri

- I. If a goy asks you for a mezuzah, **Rema 291:2** quotes **Maharil** that it's assur to give [or sell -**CB 36**] it to him, even if he promises to give a lot of money to Jewish institutions, since we have to be concerned he'll treat it with disrespect.
 - A. The **Maharil** spells out that even if he's respectful of it now as a protection of his home, if something happens to his home, he'll treat it with marked disrespect, and we also have to worry how his descendants will treat it.
 - B. One might think that you should give them a mezuzah פסול (e.g. without שם ה' written properly) and that would avoid all the issues, but **Rav Moshe 1:184 (end)** rejects this since it's גניבת דעת, and there's also an issur to be mevazeh ואגדות, which is what the status of this mezuzah would be. **CB Beurim pg. 167** notes other concerns that we should also worry the goy might find out or sell it to a yid who will use it thinking it's kosher.
- II. However, **Rema** paskins that if there will be eivah against the Jewish people because of this, or a concern that he'll harm any particular yid, it's מותר. [The reason there's room for this leniency is that it's only חשש that he'll be mevazeh it, and therefore isn't an issur deroaisah of לא תעשון כן (**IM 1:184 + CB 38**).]

- III. One of the big questions on this din (asked by **She'eilas Ya'avetz 2:121 + ARUH 3**) is that the **Yerushalmi Pei'ah 1:1** says black on white that Rebbe gave a mezuzah to ארטבון, so how could this be a problem? [The following is all based on **CB Beurim pg. 166:**]
- A. Netziv on She'iltos 145:19** argues that this issur is limited to when the mezuzah was intended for a Yid, as it's a מקדושתה to use it לשם מצוה when it was originally intended otherwise. He argues this is why She'iltos is Gores that Rebbe "wrote" a mezuzah for ארטבון, as it was then never intended for Jewish use.
1. However, **CB** says this doesn't suffice, since the poskim (like **Levush**) says the concern is that they'll be mevazeh the mezuzah itself. Further, the Maharil should have given this very simple Eitzah if he agreed with it.
- B. Be'er Sheva 36** argues that Rebbe was trying to convert ארטבון and figured that this would lead him to be מחשיב Jews and emunah in הקב"ה, but was specific to Rebbe's recognition of Artevon's spiritual nature.
- C. Rav Moshe 2:141:3** argues that Rebbe knew it would protect ארטבון, so there was no concern he'd be mevazeh it. However, a stam yid doesn't know whether any specific goy will be zocheh to the protection a mezuzah regularly offers, and so can't work with the assumption that protection is guaranteed. Furthermore, we have to worry the goy will think it protects from ganavim which Rav Moshe argues that it doesn't and just protects from mazikin (more on that in the intro section to these notes).

תעשה ולא מן העשוי

- I. The gemara is clear that there's a problem of תולמ"ה by mezuzah. The case in the gemara (which probably only rarely comes up) is when the mezuzah is placed into a detached doorframe and then attached to the entranceway:
- A. SA 289:5** spells this out that in such a case, it's a תולמ"ה issue and is passul.
- B.** However, see **RAE there** that if the mezuzah was put on correctly when the doorframe was already attached, but then the doorframe was detached and reattached, it's a machlokes whether it's passul (**Teshuvos Mahara Sasson**) or not (**RAE Iefi MA**). **CB 65** thinks we should be מחמיר on this shailah, like **MB 15:7** is by the parallel Tzitzis case.
- II. What's the source for תולמ"ה by mezuzah?
- A. Rashi Menachos 33a:** it's learned from Tzitzis.
1. This is difficult as **Hagahos HaGri"V there** points out since Tzitzis and Sukkah are ב' כתובים הבאים כא'.
- B. Yereim 400** says it's learned from "וכתבתם" and not that they're already written.
- C. Mabit in Kiryas Sefer Mezuzah 5:22** thinks it's derabanan.
1. However, **R' Chaim Kanievsky** in Hilchos Tzitzis 2:34 notes the poskim always assume deoraisah.
- D. CB Beurim pg. 68** thinks **Rambam** doesn't think there's a real din of תולמ"ה but that it's a לשון מושאל. Really, it's how he learns the word "ובשעריך" that you can't put the mezuzah on before the door is there. See there for many proofs to this + that **Mabit, Migdal Oz + others** already seem to say this. If so, Rambam wouldn't think we can extrapolate from there to other cases.
- III. We paskin (as discussed earlier) that one can't put a mezuzah up with a Bracha if there's no door there, because of shitas ha**Rambam** that one needs a door.
- A.** If a door will be added later, see **Shach 286:25** that one should put it up earlier without a bracha, and then put it up again once the door is there, to avoid a תעשה ולא מן העשוי issue according to the Rambam. However, no bracha will be said even when putting it up the second time.
1. **RAE there** asks why not make a bracha on the second time, considering you haven't made a bracha yet, and are now certainly getting the mitzvah? He suggests

- that Shach thinks it's comparable to the din of taking off one's tallis with da'as to put it back on in **OC 8** that Ashkenazim paskin one doesn't make a new bracha, since it's as if it was on the entire time. So too, it's not like a קביעות חדשה since one took it off with intent and a חיוב to return it immediately
2. Despite the above defense, **CB 172** paskins one can be meikil to make a bracha per **IM 1:179, Teshuvos Vehanhagos 1:644 + Chovas HaDar 11:12**. The best Eitzah is to take one mezuzah down and check it, such that when you put it back up, you can certainly make a bracha (**Minchas Yitzchak 10:93 + 9:105**).
- B. If one put it on while there was a door, the door was removed, and then put back on (or you changed your doors):
1. **Pischei Teshuva 14** beshem **Nesivos** says this isn't a problem of תולמ"ה since it was made מתחילה בהכשר. In **PT 13**, he quotes **Teshuvos Arba'ah Turei Even** as holding the same, while the sho'el disagreed.
 - a) The Arba'ah Turei Even's ra'ayos: **SA 15:2** sounds like one can tie back on a corner with tzitzis to the same begged it was cut off from. [Cf. **MB 15:7** who paskins against this.] He says **MA 3** sounds this way as well. He also proves from **Rema Sukkah 626 (+ Levush there)** that if schach was made properly and then roof was added and then removed, it's kosher.
 2. **Ksav Sofer YD 139** thinks there *would* be a problem though in the case of a door that was removed and then placed back on, and says it's like a Tallis metzuyetzes, which tears, and there's no longer a shiur tallis, that **OC 15:4** says is no good when put back together.
 - a) He says the case by Sukkah is different since there, everything is staying exactly the same, but an external mone'a got involved which passuled the sukkah. But when a Tallis tears and becomes a ba'alas 3 or 2 knafos, the whole cheftza is ruined, so when you sew it together, it's תולמ"ה. The same would be true by the door removed, that the cheftza is mufka from the din of mezuzah. The same would be true if one put a mezuzah on a house, the roof was taken off, and then the roof was put back on.
 - b) **MA OC 23:1** also clearly holds this way, as he says נעשה בהכשר מתחילה is only kosher by something where there's a פסול in the guf hadavar. He brings the Nidon by tzitzis as a ra'ayah. [Tzarich Iyun according to Levushei Serad's understanding that MA doesn't hold this way.]
 3. **Chovas HaDar 10:7** says to put it up again without a Bracha. See **IM OC 5:39-40 + YO 10:55:34** who paskin lekula that it's not necessary to put the mezuzah on again, but for different reasons. This is also the conclusion of **Agur Be'ohalecha 16:28**, since it's anyways a chumrah for the Rambam to begin with to even require a door in the first place. He writes that this seems to be the minhag. In contrast, **CB 286:173** thinks one should be מחמיר to take it off and put it back on.
- IV. If you put up a mezuzah before the זמן for that חיוב has come – is that a תולמ"ה issue? There are two separate shailos where this comes up:
- A. If you put it up when renting too early (before 30 days), do you need to take down and put the mezuzos back on afterwards?
 1. See above in the section about שכירות that **Minchas Chinuch 423** thinks that putting up a mezuzah before 30 days has passed might be a תולמ"ה issue.
 - a) **The Rav** originally thought MC above was wrong, but then considered he might be right since your פטור from mezuzah might be since it's not a diras keva until after 30 days (**Mipninei HaRav pg. 251**).
 2. However, **Chovas HaDar 3 fn. 8, Rav Moshe OC 5:40:1, CB Beiurim pg. 90 + Agur Be'ohalecha 16:6-9** all agree that this isn't a problem. A few proofs to this:

- a) A שוכר leaves his mezuzah on the house, and we never find the next buyer or renter has to take them down and put them back on, even if there's a time in between where no one lives there and no one has a חיוב.
- (1) **Rav Moshe** thinks this ra'ayah alone teaches we can be meikil in all the upcoming cases as well.
- b) **Chikrei Lev** (quoted by CB ibid.) notes that for all those poskim who think a socher's חיוב is deoraisah after 30 days, there's a ra'ayah from the fact that no poskim require a renter in EY to put his mezuzos up a 2nd time after 30 days: Before 30 days, the חיוב is certainly only miderabanan א"י ישוב, and if you think it becomes deoraisah after 30 days and that this is a תולמ"ה issue, the poskim should have required you to take it down and put it back up!
- c) **Chovas Hadar + CB** (ibid. + tziyun 1062) note the askanot ha'acharonim, including **Da'as Kedoshim**, **Mikdash Me'at**, **Keren Orah**, and **others** is that this is fine, and argue there's a Klal that there's no issue of תולמ"ה by מחוסר זמן.
3. Despite this, in the sugya of שכירות, **Rav Schachter + Rav Willig** are both choshesh for a תלמ"ה issue, and think the best solution is to first put it up without a bracha, and then to do so with a bracha after 30 days. Similarly, **Teshuvos Vehanhagos 2:552** notes the **Griz** was מחמיר for this, although Rav Shternbuch notes **many poskim** think it's fine.
- B. There's also a middle case where one was חייב miderabanan when you put it up and then it turned into a חיוב deoraisah. The main case where this is discussed is when one was renting a home and then decided to buy it; in this case, does your original Kevi'ah count to fulfill your new חיוב deoraisah?
1. **R' Chaim Kanievsky on Hilchos Mezuzah** (286: Sha'ar Hatziyun 143) says it's "אפשר" that if you were renting a house and then decided to buy it, you should take down the mezuzos and put them up again now that there's a mitzvah deoraisah. Similarly, **Teshuvos Vehanhagos 2:552** argues one should be מחמיר for this, as it could be considered מעשה מחוסר. Even though he's not sure about this, and he notes the minhag is lehakel, he concludes that one should be מחמיר since it's a question on the level of deoraisah.
2. However, **Chovas Hadar 3:11 + 11:24** says you don't need to. [See the discussion on the more chamur case below, that the mekillim there would also be meikil here.⁴¹]
- a) He compares this to **Chayei Adam Shabbos 6:3** who says kiddush during tosefes shabbos works even for those who think that time is דרבנן.
- (1) However, Chayei Adam inside says the reason for this is that he thinks brachos said before the זמן deoraisah are effective, and compares it to Shehechyanu on making a sukkah before sukkos. However, for this shailah, it's not clear that sevara is relevant, since this isn't just a מחוסר זמן issue, but mechusar ma'aseh as well.
- C. The most chamur shailah if you put up a mezuzah after buying a house but before beginning to live there. Here, the sevara of מחוסר זמן might not be applicable, since you don't just need time to pass, but need to do a מעשה of actually moving in (items, or people).
1. Certainly, the **Teshuvos Vehanhagos above** would be מחמיר.

⁴¹ In fact, CB's discussion there is really about *this* case, but the ra'ayos he brings apply to the more chamur case as well, which is why I presented it there.

2. **Minchas Yitzchak 9:105** leans towards saying that this isn't מעשה מחוסר either, since at the end of the day, the moment you choose to live there, you'll be חייב, and thus it is already a makom that's חייב in mezuzah.
 - a) Despite this, he still recommends to take down one mezuzah and check it first, or put up a more mehudar mezuzah than the one that was there beforehand, so that you can make a bracha on that mezuzah, and have da'as for all the mezuzos that are on the wall.
 - b) It's unclear if he's saying this is because of תולמ"ה or because he wants you to gain the ability to put up mezuzah with a bracha. **Agur Be'ohalecha in fn. to 16:6** thinks he meant it midin תולמ"ה, but I think that's incorrect, and he just meant to be מרויח the bracha. He never says to take down the *other* mezuzos, but just one mezuzah in order to make a bracha, and says to have in mind the other mezuzos that are on the walls.
 - (1) The sevara to try and make a bracha is found in many poskim, such as **ARUH 291:2 + others** mentioned in **CB 289:fn. 97**, but that's not because they think you aren't getting the mitzvah otherwise.
3. **Agur Be'ohalecha 16:6** thinks this is fine and that a חסרון בעלות is never a problem of תולמ"ה. **Rav Moshe 5:40:1** also seems to think there's simply never a problem when putting a mezuzah before there's a חייב.
 - a) **Agur Be'ohalecha** notes **MB 19:4** poskins one can put up a mezuzah with a bracha right *before* living in it, even though presumably there's no חייב until after you've actually *started* living there.
4. **CB Beurim pg. 85** comes to the same conclusion lekula:
 - a) He notes that **MA 19:1 (end)** says if one put up the mezuzos before one was living there, he can even make a bracha when one moves into a house which already has a mezuzah. Although the poskim (**Birkei Yosef, ARUH + MB there**) discuss whether this is true, they all seem to agree you're getting the mitzvah, but just debate whether you can make a bracha. This is despite that the mezuzah was put up before this owner had any חייב!
- D. Lema'aseh then, it seems that even in the most chamur of cases, the vast majority of poskim really think that there's no issue of תולמ"ה, and just a question of putting it up again to be marvi'ach a bracha. Despite this, **Rav Willig, Rav Schachter**, and the **Griz** before them were choshesh even in the MC's rental case where you have the sevara lekula that it's just מחוסר זמן. Although one should be מחמיר טוב וכו', if one wasn't makpid to do so, it seems there's ample room to say that he is still getting the mitzvah.
- V. See **Agur Be'ohalecha 16** for many, many different cases of תולמ"ה and what the din should be. See also **CB 289:65-68** for some other relevant cases.