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לעשות רצונך
בלבב שלם



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Halachos of Mezuzah – 1

Parshas Yisro 5783

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The Mitzvah of Mezuzah

Importance of the Mitzvah

1. The mitzvah of mezuzah is one of the most common mitzvos. Every Jewish home has mezuzos affixed to its doorways, and people pass them on the way in and out hundreds of times a day. Thus, we saw a need to set forth the halachos in a multiweek series in a clear way that appeals to everyone and covers common issues. This way, we will be able to reinforce these halachos and their meticulous fulfillment.
2. **Constant mitzvah.** Although people view the mitzvah of mezuzah as one that is fulfilled by the act and at the time of affixing the mezuzah to the door, one fulfills the mitzvah at every moment, even when he is not home (ירושלמי סוף פ"ג דמגילה). The Rambam also writes (סוף הל' מוזה) that it is a constant obligation for everyone and that every time one enters a doorway displaying a mezuzah, he should think about Hashem's Oneness. We have hundreds of opportunities a day to awaken within us thoughts of Hashem's Oneness.
3. The Rambam writes: *One must be careful about [the mitzvah of mezuzah, for it is an obligation on everyone constantly. Every time one enters or leaves, he encounters the Oneness of Hashem's name. One should remember His love and awaken from his slumber and his errors in the foolishness of this world. He should know that nothing lasts for eternity other than the knowledge of the Creator of the world. He will immediately return to his senses and go on the straight path.]*

Segulah of the Mitzvah

4. **Long life.** While we know reward for mitzvos is not in this world, nevertheless there are mitzvos whose reward is stated explicitly in the Torah, e.g., the posuk says about the mitzvah of kibud av v'eim, "למען יאריך ימך" (פי' יתרו). Similarly, the posuk says about the mitzvah of mezuzah, "וכתבתם על מזוזות ביתך ובשעריך, למען ירבו ימיכם" (קידושין דף מ'ו). If one is careful about this mitzvah, his life and the lives of his children will be lengthened; if one is not careful about it, they will be shortened [ח"ו].
5. **Protection.** Great is the mitzvah of mezuzah, for the house is protected through it (סור סי' רפ"ה). Mazikin flee from a house with a mezuzah affixed to its doorway because of the Name שד"י inscribed on the mezuzah's exterior (וזהר פ' ואתחנן רס"ו). This Name stands for שמר דירת ישראל [Guardian of Jewish dwelling places] (דרכי משה סי' רפ"ה בשם המרדכי), and this protection hovers over a person even when he is outside his house (מהרש"א ח"א מנחות ל"ג).

The Mitzvah

6. **Affixing the mezuzah.** It is a mitzvas asei to write the parshiyos of שמע and ויהיה אם שמוע on a klaf and to affix them to the doorpost (ש"ע סי' רפ"ה ס"א), as the posuk says, "וכתבתם על מזוזות ביתך" (ש"ע סי' רפ"ה ס"א). However, the main mitzvah is affixing the mezuzah, not the actual writing. Thus, one may buy a prewritten mezuzah and affix it (מנ"ח מצוה תכ"ג, מקדש מעט סי' רפ"ה אות ב').
7. **Every doorway in the house.** The mitzvah is to affix a mezuzah to each and every doorway of the house's rooms, not just the doorway of the house's main entrance (רמ"א סי' רפ"ז ס"ב).

בל תוסיף

8. **Two mezuzos on the right.** If one affixes two mezuzos on the right side, he violates תוסיף (בל תוסיף סי' ב'). (רצ"א סק"ב). Thus, if a mezuzah affixed to the wall is hard to detach for inspection, one should not place an additional mezuzah there, as that is a problem of תוסיף.
9. **One on the right, one on the left.** Some hold that affixing one mezuzah on the right and one on the left is a potential problem of תוסיף (מהר"ם ש"ק י"ד סי' רפ"ז) even if one wants to do so because

he is unsure which side to put it on (ש"ת מנחת יצחק ח"א סי' ט'). Others hold this is not a problem of תוסיף (שו"ת בנין ציון). Yet others are unsure (מור"ג הגר"י בלויא, חובת הדר פ"א אות ב').

10. **Exempt spot.** Some hold that if one affixes a mezuzah in a spot that is exempt, he violates תוסיף (בל תוסיף קס"ז). However, most poskim hold he does not violate תוסיף (חובת הדר פ"א אות ב').

Rented Home

D'oraisa or D'rabanan?

11. **D'oraisa.** One who lives in a rented or borrowed home is chayav in the mitzvah of mezuzah. Some hold this is on a d'oraisa level since the mitzvah is incumbent on the occupant of the home and it is for protection, which a renter also needs (רשב"א חולין קלד.). (משמעות הרמב"ם פ"ה מוזהה הי"א, ספר החינוך מצוה תכנ).
12. **D'rabanan.** However, most poskim hold this chiyuv is only d'rabanan. They say that when the Torah writes "ביתך," it implies a house only designated for you, to the exclusion of a rented house (מסקנת תוס' מנחות דף מ"ד ע"א ד"ה טלית, רא"ש הל' מוזהה סס"ט, תוס הראש (ב"מ דף ק"ב ע"א, רמב"ן ור"ן שבת דף קל"א ע"ב, ספר התרומות הל' ע"ז סי' קמ"ד).
13. **Shulchan Aruch's opinion.** Some say the Shulchan Aruch holds the chiyuv is only d'rabanan (ש"ת רע"א מהדור"ק סי' ס"ו). However, there is an implication that the Shulchan Aruch holds it is d'oraisa (ע"י סי' פתחי מוזהוה סי' רפ"ז ס"ב בביאורים). Thus, one should not use the rule of ספק דרבנן לקולא (שם פי"ד אות ב').

חובת הדרן [Occupant's Chiyuv]

14. Since the chiyuv of mezuzah is on the occupant, not the house, if a rented house is missing a mezuzah, the renter, not the landlord, must make sure to buy a mezuzah and affix it (ש"ע סי' רצ"א ס"ב).
15. **Rented assuming there were mezuzos.** If one rented a house with the assumption and understanding that it had mezuzos, but in reality it did not, it is not a mekach ta'us [mistaken transaction] – the renter must follow through on the agreement. We assume that the renter was prepared to live in the house even if there were no mezuzos and he would need to affix them, and that he agreed to this from the outset even though he now says otherwise (ש"ע שם).
16. **Landlord stipulated.** Even if the landlord stipulated that there were mezuzos and the renter was quiet but in the end there were no mezuzos, it is not a mekach ta'us; the rental stands.
17. **Renter stipulated.** However, if the renter expressly stipulated that he is renting with mezuzos, it would be a mekach ta'us. He can either withdraw from the rental (פרי"ח א"ח סי' תל"ז) or rent the home and have the landlord pay him for the mezuzos (חובת הדר פ"א אות י"א).
18. **Showed him a home with mezuzos.** A landlord showed a renter a home with mezuzos. Later, when the renter came to live there, the previous renter came along and claimed the mezuzos were his; he just did not take them down because a renter should not take down mezuzos when he leaves (see 29 below). Now he wants the new renter to take the mezuzos down and give them to him.
19. The new renter can say he is not taking them down since he rented a home with mezuzos from the landlord. However, if the last renter wants to take them himself, he can do so since they belong to him – the new renter cannot stop him. If he does not want to take them down himself because of the halachic issue (below, 29), he has to take it up with the landlord, not the new renter. He can ask the landlord to take them down – in which case the landlord will have to replace them since he originally showed the new renter a home with mezuzos – or to pay for them. The new renter is not obligated to take them down to give them to the last renter.

When Does a Renter Have to Put Up Mezuzos?

20. **Chutz La'aretz.** One who rents a house in Chutz La'aretz is exempt from the mitzvah of mezuzah for thirty days (ש"ע סי' רפ"ו ס"ב), either because a period of less than thirty days is considered temporary (תוס' מנחות דף מ"ד ע"א ד"ה טלית) or because we are concerned he will pull out if he does not like living there (רש"י שם). According to most Rishonim, who hold a renter's chiyuv is d'rabanan (above, 12), Chazal only obligated a renter after thirty days since that is when the home appears to be his (תוס' שם).
21. **Long-term rental.** Some poskim hold that even if a person in Chutz La'aretz agrees to rent a house for more than thirty days, he still only becomes chayav after thirty days (הג' נהלת) משמעות הש"ע שם, (צבי על ש"ע, פתח"ת סק"ח, שו"ת בנין שלמה סי' כ"ג).
22. Others hold that a rental less than thirty days long is exempt from mezuzah, but a rental more than thirty days is obligated in mezuzah immediately (מאירי שבת קמח, נמוקי" סוף הל' מזוזה, דרך החיים) (סי' רל"ח, שו"ת דובב מישרים ח"א סי' י"ב, שו"ת אריא דבי עילאי סי' י"ז ערוה"ש סי' רפ"ו, שו"ת אג"מ יר"ד ח"א סי'). Some testify that this is the minhag (קענט, מו"ר כ"ק מרן גאב"ד ירושלים). However, one cannot be compelled to put up mezuzos within thirty days (חובת הדר פ"ג הע' ז).
23. **When is the brachah said?** Even if one wants to be machmir to put up mezuzos right away, it would seem logical that he cannot say the brachah since his chiyuv is uncertain. However, after thirty days, when his chiyuv is in effect according to everyone, when the mezuzah is already affixed to the doorway, many poskim hold he can no longer make the brachah (שו"ת כת"ס סי' קל"ט, ערוך) (השלחן סכ"ד, חיי אדם). Ultimately, he would not have the zechus of making the brachah on his mitzvah at any point.
24. Thus, this is what is recommended: if he wants, he can affix a mezuzah right away without a brachah to fulfill the mitzvah according to multiple opinions and for protection from mazikin. Then, at the end of Day 30, before the chiyuv of thirty days starts, he should take down the mezuzos, make a substantial interruption and divert his attention, and then affix them again with a brachah on the night of the 31st (קונטרס המזוזה ס"ק קצ"ב).
25. The above discussion about renting for more than thirty days is when there was a verbal rental agreement. However, many poskim hold that if there was a legally recognized rental contract they cannot back out of or a kinyan they cannot back out of – as is customary in most places – the renter is chayav to put up mezuzos with a brachah immediately, not after thirty days (בן איש חי סוף הל') (מזוזה, שו"ת שבט הלוי ח"ו סי' ק"פ).
26. **Home purchase in Chutz La'aretz.** One who buys a house in Chutz La'aretz must put up mezuzos with a brachah as soon as he enters; the thirty-day petur does not apply. Most poskim hold that even if he does not end up staying for thirty days in the house he bought, he is still chayav in mezuzah right when he enters, as a house one owns does not have the status of a temporary house (עי' שו"ת) (מערכת המ"ם כלל ק"ב ד"ה ולי הדל).
27. **Renting in Eretz Yisroel.** One who rents a home in Eretz Yisroel must put up mezuzos right when he enters. Even if he is not so established there, his chiyuv starts right away because of the mitzvah of yishuv Eretz Yisroel; the hassle of finding other mezuzos will prevent him from leaving so easily. I.e., since if he were to leave his home, he cannot take the mezuzos with him (below, 29), he will only leave with difficulty due to the hassle of finding new mezuzos for his new place. This will cause the fulfillment of yishuv Eretz Yisroel (רש"י מנחות דף מ"ד ע"א).
28. Another explanation is that the mitzvah to live in Eretz Yisroel causes any amount of time living there, even a single day, to be considered "fixed" (קבע) [בית הלוי ע"פ הרמב"ם].

Not Leaving a House without Mezuzos

Renter May Not Take Mezuzos When He Leaves

29. A renter who put up mezuzos in a house may not take his mezuzos with him when he leaves at the end of the rental period (ש"ע סי' רצ"א ס"ב) [the same is true when one sells his house (שו"ת שיבת ציון) (סי' ק"י הובא בפתח"ת סק"ז)]. Even if he stipulated when he put them up that he was planning to take them afterward, he may not take them, as he does not have the ability to make such a stipulation (שו"ת פאת שדך סי' קל"א). One who removes mezuzos endangers himself. The Gemara (ב"מ דף ק"ב ע"א) tells of someone who took his mezuzos and left – he buried his wife and two sons (ר"ל).
30. **Paying for them.** Nevertheless, if an outgoing renter leaves mezuzos, he can demand payment from the new renter since in actuality, they belong to him (ב"י) (בשם רבינו מנוח, רמ"א). However, we cannot forcibly take money from the new renter (באר הגולה ועוד).

31. **Expensive mezuzos.** If the mezuzos are expensive and the new renter does not want to pay so much, the last renter cannot demand full payment for them since the new renter is not interested in them and can tell the last renter, "Either give them to me at a cheap price or take them and I will buy cheaper ones." If the last renter does not want to take them down, he must give them to the new renter at a cheap price.

Reasons for the Issur

32. **Ends protection, mazikin come.** The Rishonim give several reasons for this issur. One is that since mazikin come to a house without a mezuzah, when one removes mezuzos it is like he is damaging the people in the house (תוס' שם דף ק"א ע"ב). Since he does not care about his friend's sons' protection, he is also punished (ספר) (האשכול). According to this, it would also be assur to have a non-Jew or child remove the mezuzos (הלכה למשה ס"ק קפ"ט).
33. **Removes the Shechinah.** The kedushah of the Shechinah is on this house due to the mezuzos; one should not remove it (ריטב"א שם).
34. **Disgrace to the mezuzah.** The Geonim say the reason is that it is a disgrace to the mezuzah to remove it from its spot and end its mitzvah (רב אחאי ורב האי גאון, שאלתות פ' שלח). According to this, one would be allowed to take mezuzos down if he will put them right back up elsewhere. Some rely on this if there is no other option whatsoever (עי' פתח"ת סק"ז), as according to the other reasons, even this is assur.
35. **Even when replacing right away.** Even if the new renter or the landlord will put up mezuzos as soon as the last renter takes his down, we do not make an exception; it is still assur due to the possibility that the new renter will not put mezuzos up as soon as the last renter removes his (פתח"ת סק"ז) (ברכי יוסף, פתח"ת סק"ז).

Ways to Take Down Mezuzos

36. **Replace them before leaving.** If a renter put up expensive mezuzos and wants to take them when he leaves, there is something he can do: some time before he leaves, e.g., a few days before, he can replace the expensive mezuzos with basic, yet kosher, mezuzos, which will remain when he leaves. Then, he can demand money for the cheaper mezuzos from the new renter. However, he should not do this the day he leaves (שו"ת מנח"י ח"ה סי' ק"י) (חובת הדר פ"א סי"ב, שו"ת שבט הלוי ח"ב סי' קנ"ט, מו"ר כ"ק מרן הגאב"ד ירושלים).
37. **Ask the new renter to take them down.** Another option is to tell the new renter that the mezuzos belong to the last renter. Then, when the new renter enters the home, the last renter can ask him to return them by putting up his own mezuzos; after he takes them down he should return them to the last renter. This too should not be done the day the new renter enters the house due to potential danger and because we do not make exceptions. It should be done some time after the new renter begins living there, e.g., two weeks later (שו"ת באר משה ח"ג סי' קפ"א).
38. **Take payment.** Another option is to leave the mezuzos for the new renter and request payment for them since they really belong to the last renter (above, 30).
39. **When painting the house.** If the house will be painted after the last renter leaves, the mezuzos can be taken down to paint the doors and doorposts. Then, as soon as the new renter comes into the house, he should put up his own mezuzos and return the old ones to the last renter.

Renting or Selling to a Non-Jew

40. When renting or selling a house to a non-Jew or after renting a house from a non-Jew, not only is it mutar to take down the mezuzos when leaving (ש"ע סי' רצ"א ס"ב), but one must take them down. Otherwise, the non-Jew might take them and treat them disrespectfully. Another concern is that a Jew might enter the house with a mezuzah thinking it is a Jewish home and end up in danger (רבינו יונה בשו"ת ב"מ ק"ב ע"א, שו"ת שאילת יעב"ץ ח"ב סי' קכ"א).

Selling a Mezuzah to a Non-Jew

41. Similar to the above reason (40), one should not sell a mezuzah to a non-Jew, as he might disgrace it (רמ"א שם). Even if he wants to affix it to his doorway for protection, one may not sell it to him, as he might end up disgracing it if he feels it did not protect him; also, his heirs might disgrace it (מהר"ל). An exception is if not selling it will cause hatred or will be detrimental to Yidden (רמ"א שם).
42. Thus, people who sell Judaica items in stores where non-Jews also



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