

# לוקוטי ופסקי הלכות "חוקי חיים"

ותלמד  
"חוקי חיים"  
לעשות רצונך  
בלבב שלם



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

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Krias HaTorah

Halachos of Mezuzah – 2

Parshas Mishpatim 5783

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## Structures and Rooms Requiring a Mezuzah

### Type of Place That Requires a Mezuzah

1. Not all structures require a mezuzah. Chazal (גמ' יומא דף י"א ע"ב) derive from the posuk "וכתבתם על מזוזות ביתך וכו'" that only a structure intended for dwelling – like a בית/house – requires a mezuzah. This excludes a small structure before a gate [בית שער] or a foyer [אכסדרה] which does not lead to a residence. Also, since a house is respectable, only respectable areas are chayav. This excludes bathrooms, bathhouses, and the like. Finally, the fact that a house is meant for mundane living tells us that a shul is patur.

### Shul/Beis Kneses, Beis Medrash

2. **Shul.** A shul or Bies Kneses used for no other purpose is patur from mezuzah (ש"ע רפ"ו ס"ג). This is either because it is holy, while only a mundane structure requires a mezuzah (רמב"ם פ"ו ה"ו) or because it is only meant for davening and thus not considered "ביתך" (ד"י) (הקטנה סי' י"ב ס"ו, שו"ת חת"ס י"ד סי' רפ"א, חו"א סי' ר"ז אות ז' (מרומי שדה יומא דף י"א)).

3. **Private shul.** Some indicate that the reason is because "ביתך" implies a structure exclusive to you, whereas a shul belongs to others too (רש"י יומא י"א, תוס' שם ד"ה שאין). Accordingly, a privately owned shul would require a mezuzah even if others have permission to enter. In such a case, one should be machmir to put up a mezuzah, just without a brachah (פתח"ת אות ד, שו"ת אב"ג סי' שפד אות ד, פתח"ת).

4. **Nowadays.** Many shuls today have mezuzos. The reason is because many shuls have people learning inside all day, giving them the status of batei medrash, where we do put up mezuzos (below, 5). However, if a shul does not have regular learning taking place all day – even if there is a shiur there for an hour or two, after which the shul is locked until Minchah and Maariv, or the like – it is patur from mezuzah.

5. **Beis medrash.** Some poskim say a beis medrash is patur from mezuzah for the same reasons a shul is patur (ע"פ גמ' ברכות דף מ"ז). Others (ע"א, דיעה ראשונה בשו"ע שם ס"י) say it is chayav since, as opposed to a shul, where people only stick around for davening, people sit all day in a beis medrash and they also snack and nap there. Thus, it is similar to a residence (שו"ע שם).  
6. **In practice.** Since there is a machlokes, it is proper to put up a mezuzah, but no brachah should be said (שו"ע שם).

### Storage Cellar, Machsan

7. **Wine, oil cellars.** Wine cellars and oil cellars require mezuzos (שו"ע סי' רפ"ו ס"א) with a brachah (שו"ע סי' רפ"ו ס"א). Although no one lives there, they are considered "residences" because people go in and out (שו"ע בשם הדרישה), or because people keep personal articles in these rooms and use them for activities pertaining to daily living (גידולי הקדש סק"ו).

8. Nevertheless, since there are Rishonim who hold these cellars are patur from mezuzah (שו"ת רמב"ם פ"ו ה"ז, ריטב"א ומאירי יומא שם), in practice one should not make a brachah on cellars due to safeik (שו"ת מנח"י ח"י סי' צ"ז אות ב', שו"ת שבט הלוי ח"י ס"ד אות ב').

9. **Machsan.** A machsan [storage room] used for things such as suitcases, Pesach dishes, sukkah materials, or rummage that is entered on occasion has the status of a storage cellar: strictly speaking it requires a mezuzah but no brachah should be made (ערוך השלחן סמ"ו, היכל הוראה ח"ה הוראה קכ"א). However, if a room designed as a machsan was set up to be used as a residence, as long as it has a minimum area of 4x4 amos, it requires a mezuzah even though it is referred to as "a machsan."

10. **Plastic machsan, shed.** People commonly have plastic sheds in their yard or on the roof. Some are bigger than 4x4 amos. Nevertheless, some hold that even a storage cellar must be livable to require a mezuzah (שו"ת אבני נור א"ח סי' ש"ב, שו"ת רב פעלים ח"ב סי' ל"ו). Since these sheds are flimsy and it is completely unrealistic to live in them – due to the rain and cold in the winter and the heat in the summer – they are patur from mezuzah.

11. **Garage.** Most poskim say that a closed room intended for parking a car requires a mezuzah. This is because people often go in and out, and also, most people store other things there as well (שו"ת אז"ר (נדברו ח"ג סי' ל"ח, שו"ת מנחת יצחק ח"י סי' צ"ז)).

12. **Walk-in fridge, refrigerated room.** The poskim discuss whether a walk-in refrigerator requires a mezuzah (שו"ת באר משה ח"ב סי' צ"ג, שו"ת חיי הלוי ח"ב סי' ס"ז אות ו', הגר"מ פיינשטיין אהלי ישורון ח"ב דיני מזוזות הע"ה 26). The consensus of many poskim is that it is patur from mezuzah since it is impossible to live inside or even to remain inside for an extended amount of time (שו"ת באר משה שם) (הגר"נ קרליץ, שו"ת באר משה שם).

### Office, Store, Clinic

13. Most poskim hold that rooms and buildings used primarily during the day but generally vacant at night, e.g., offices, stores, clinics, factories, etc., require mezuzos since daytime residence is also considered residence. Accordingly, mezuzos should be put up in these places (הקטנה פ"ב ס"י הבוא בפתח"ת סי' רפ"ו סק"י, שו"ת אבני נור י"ד (סי' שפ"ד, חדרי דיעה, קיצושו"ע סי' י"א ס"י)).

14. **Brachah.** However, l'chatchilah a brachah should not be said (בן (ט"ז סי' רפ"ו סק"י) out of concern for the poskim who say these places are patur since no one sleeps there at night (שו"ת אבני נור י"ד). Nevertheless, some write that we do not shun a person who makes a brachah on these places (שו"ת שבט הלוי ח"י ס"ד אות ב').

## Courtyard, Garden, Balcony

### Courtyard

15. A courtyard gate requires a mezuzah (שו"ע סי' רפ"ו ס"א). Most poskim say this chiyuv is d'oraisa (תוס' ישנים, תוס' רא"ש) (גמ' יומא דף י"א ע"א). The poskim discuss whether a courtyard intrinsically requires a mezuzah (שו"ת אבני נור י"ד) or whether its chiyuv is only because it leads to a residence. Most poskim go with the latter (רמב"ם פ"ו מזוזות, מאירי רמב"ן מלחמות פ"ק דסוכה).

16. **Courtyard that does not lead to a house.** Based on the above, the poskim discuss whether a courtyard that does not lead to a house requires a mezuzah. If the chiyuv is intrinsic, then it requires a mezuzah; if the chiyuv is only because it leads to a house, then it is patur. In practice, one should put up a mezuzah without a brachah (פתחי מזוזות סי' רפ"ו ס"א סק"ד).

17. **Closed courtyard or garden.** A closed courtyard or garden that can be entered from a house but does not have an exit to the public domain is subject to the above discussion. If courtyards have an intrinsic chiyuv, then it is chayav, and according to multiple poskim, the mezuzah goes on the right side as one walks from the house to the courtyard (בית מאיר, שו"ת מהר"ל ח"א סי' צ"ד).

18. However, according to the poskim who hold that a courtyard's chiyuv is because it leads to the house, even if one puts up a mezuzah in a closed courtyard that can be entered from a house out of safeik, he should put it on the right side as one walks from the courtyard to the house (החזו"א י"ד סי' קס"ה אות ד').

נתרם ליכור ולעלוני נשמת

רבי חיים ישראל בן רבי משה יהודה ז"ל ניראטה

לרגל חמישים שנים מהסתלקותו – נלב"ע ב' אדר שני תשל"ג

איש ישר וירא שמים, עסק בצרכי צבור והעמיד דורות ישרים מבורכים כ"י

## Balcony

19. **House without a roof.** Strictly speaking, an unroofed house is patur from mezuzah (ש"ע רפ"ו סי"ד) since it is not livable (רבינו ירוחם נתיב כ"א) (ח"ז). It is not comparable to a courtyard, which requires a mezuzah since courtyards normally do not have roofs (רא"ש הל' מנוחה).
20. **Modern balconies.** A balcony attached to a residence – whether on the ground floor or an upper floor – has the status of a courtyard, not an unroofed house, since that is how balconies normally are and since, like a courtyard, they are used as part of the house. Accordingly, a balcony requires a mezuzah according to most poskim (ש"ת אבן ישראל ח"ז סי' ל"ד, ש"ת חשב האפוד ח"א סי' ל"א).
21. **Right or left?** However, the poskim argue whether the mezuzah of a balcony without an exit to the public domain goes on the right side as one enters the balcony or as one enters the house (like the machlokes about a closed courtyard, above, 17-18). Since it is unclear which side the mezuzah goes on, the brachah should not be said when putting it up.
22. **Chazon Ish.** Some hold that the mezuzah goes on the right side as one walks from the balcony to the house. However, the brachah is not said due to multiple sefeikos (הגר"ש"א).
23. **Minhag Yerushalayim.** Others hold that the mezuzah goes on the right side as one walks from the house to the balcony (הג"ל אות 17). This is the minhag in Yerushalayim (הג"ל אות 17) (דף י"א ע"א, מ"ר בש"ת קנה בשם ח"ג סי' פ"ט).
24. **Balcony smaller than 4x4 amos.** Some poskim hold that if a balcony's area is less than 4x4 amos, the mezuzah definitely goes on the right side as one enters the house (הגר"ד יונגריי הובא בחובת) (הדר פ"ח הע' ו', ש"ת קנה בשם שם, מרא דשמעתתא אות תפ"ה). Others hold that even in this case, the mezuzah goes on the right side as one enters the balcony since a balcony can be used for its intended purpose even if it is less than 4x4 amos (see below, 34) (מהר"צ) (דושינסקי, שם, ש"ת חשב האפוד שם).

## Minimum Size of a Room to Require a Mezuzah

### Four Amos by Four Amos

25. A room with an area less than 4x4 amos – 16 square amos – is patur from mezuzah (ש"ע י"ד סי' רפ"ו סי"ג). Since it is unlivable, it is not considered a בית (לבוש). In modern terms, this is 192x192 cm [חז"ר] or 203x203 cm [הגר"ח נאה].
26. **A square space of 4x4 amos.** The Rishonim argue whether a room that contains 16 square amos but does not have 4 amos on each side, e.g., it is 8x2 amos, requires a mezuzah. Some say such a room has the minimum size requiring a mezuzah (ש"ע סי' רפ"ו) (סי"ג); others hold that a room only requires a mezuzah if it contains a square area that is 4x4 amos (רא"ש, ט"ז או"ח סי' תרל"ד ס"ק"ג בדעת) (הרמב"ם, חז"ר סי' קט"ט אות ד' וה' ש"ך ס"ק"ג). Thus, the consensus of the poskim is that one should put up a mezuzah without a brachah (ש"ך ס"ק"ג).
27. **Objects that subtract from a room's area.** The poskim discuss whether certain objects in a room, e.g., closets, kitchen counters, laundry machines, a secured boiler, etc., subtract from the 4x4 minimum or whether the room is measured from wall to wall irrespective of the presence of such objects. Some hold that something moved on occasion, e.g., a washing machine, does not subtract from the minimum area no matter what (מקדש מעט ס"ק"מ). Others hold it only subtracts if it is built in from floor to ceiling, e.g., a kitchen cupboard (ש"ת ישכיל עבדי ח"ח סי' י"ט).
28. Others hold that even when they are secured, such objects never subtract, since the room itself has the minimum area, and these things serve a function in the room. Thus, a kitchen or the like would require a mezuzah even if its area is diminished by cupboards, counters, ovens, and sinks (ש"ת מהר"ש"ם ח"ג סי' רס"ג, ש"ת) (ש"ת הלוי ח"ב סי' קנ"ו, מ"ר בחובת הדר פ"ד ס"ק"ב). Here too, in practice, a mezuzah should be put up without a brachah out of concern for the poskim who say it is patur.

### Entrance Structure, Foyer

29. **Entrance structure.** A small room next to a courtyard gate in front of a house or a small room in front of a house itself which serves as an entryway to the residence requires a mezuzah. This is true even if it is smaller than 4x4 amos and unlivable since the reason it is chayav is because it serves as an entrance to the house (ש"ע רפ"ו סי"ז).
30. **Foyer.** Similarly, a foyer closed on all four sides that opens up to a house requires a mezuzah even if it is less than 4x4 amos (ש"ע שם) (ס"ז, ט"ז ס"ק"ז) since it serves as an entrance to the house.

### Room Smaller Than 4x4 Next To a Large Room

31. The poskim discuss whether the doorway between a room smaller than 4x4 amos and an adjacent, bigger room requires a mezuzah. While it is true that the small room is patur on its own merits, this doorway also leads to the bigger room, which is chayav.

32. Some hold that although the small room is patur on its own merits and is viewed as empty space, the doorway still requires a mezuzah since people go through it to enter and exit the big room (רע"א). According to this, the mezuzah would need to go on the right side as one walks from the small room to the big room since the chiyuv is only on account of the big room (see below, 38).
33. Others hold that if the room's area is smaller than 4x4 amos, it is insignificant compared to the bigger room. It is all considered one room, so going from the small room to the big one is not viewed as entering a new place (ש"ת חסד לאלפים) (סי' צ"א, ש"ת חקרי לב סי' קכ"ט, ש"ת אגרות משה סי' קכ"א).

### Small Room with a Specific Function

34. Sometimes, adjoining a big room is a room with an area less than 4x4 amos that is used as a place to set things down, a kitchenette, a utility room for a washing machine, or for some other specific function it is fit to serve (ח"י רש"ש סוכה ג.) that people commonly use such a room for (חובת הדר פ"ד ס"ק"ז). Some poskim hold that just like an entrance structure or foyer, this room is intrinsically chayav in mezuzah even though it does not contain 4x4 amos (הובא בפתח"ת רפ"ו ס"ק"א) (ברכת השם מנוחה נ"ז).
35. According to this, the mezuzah goes on the right side as one enters the small room since it is intrinsically chayav (see below, 38).
36. However, many poskim argue. They hold that a space with an area less than 4x4 amos is patur from mezuzah even if it has a specific function. It cannot be compared to an entrance structure or a foyer, whose chiyuv is due to its usage as an entrance to a house, not an intrinsic chiyuv (ש"ת אבני) (מקדש מעט ס"ק"ז, נודר סי' ש"פ אות ז', מוהות ביתך ס"ק"ב).
37. Thus, in practice, the consensus of many poskim is that one should put up a mezuzah to satisfy the Chamudei Doniel [who says the room is chayav], just without a brachah (ש"ת) (חשב האפוד סי' ל"א, ש"ת מנחת יצחק סי' צ"ב, ש"ת אבן ישראל ח"ז סי' ל"ד).
38. **Right or left?** What if one puts up a mezuzah on a doorway between a small room and a big room (above, 32) to satisfy all poskim? If it is chayav because the small room is an entranceway to the big room, the mezuzah should go on the right as one enters the big room (רע"א), whereas if the small room is chayav intrinsically due to the specific function it serves (34), the mezuzah should go on the right as one enters the small room (חמודי דניאל). The poskim argue about what to do in practice.
39. **Right side as one enters the big room.** Some poskim hold the mezuzah goes on the right as one enters the big room (משמעות) חז"ר סי' קט"ט ס"ק"ה וסק"ז, דעת קדושים ס"ק"ט, ערוך השלחן ס"ק"ג, ש"ת קנאת (סופרים סי' מ', והוא מנהג בני ברק הובא בש"ת שבט הלוי ח"ב סי' קנ"ב).
40. **Right side as one enters the small room.** Others hold one should put up the mezuzah on the right side as one enters the small room – this is the minhag in Yerushalayim (ח"ז) (הגר"י פישר בש"ת אבן ישראל ח"ז) (סי' ל"ד, ש"ת אור לציון ח"א סי' י"ד).

### Clothes Closets

41. If a coat closet is not entered – i.e., it is accessed from the outside – it is patur from mezuzah even if it has an area of 4x4 amos because the doorway is not an entrance or exit; the door is merely opened while the person stands outside. This is true even if one occasionally goes inside to find something (ש"ת מנח"י ח"ד צ"ב).
42. **Closet under stairs.** The same is true of a closet under a staircase where things are stored – it is not made for entry and exit, so it is patur from mezuzah (שם).
43. **Walk-in closet.** Large bedrooms sometimes have a big clothes closet that one can fully enter which sometimes also serves as a dressing room. Since it is intended for entry and exit, one should put up a mezuzah.
44. If it is 4x4 amos, the mezuzah goes on the right as one enters it. If it is smaller or if, after subtracting the space where the shelves are, there is less than 4x4 amos (above, 28), there are different minhagim as to where to put the mezuzah (above, 38). However, since the closet is in a bedroom, the mezuzah should be placed such that it will be inside the closet when the door is closed, not on the side of the doorway toward the bedroom. Sometimes this will determine which side to put the mezuzah on.



נתרם לרגל השמחה של יו"ר הרב"ג ר' משה רוקח שליט"א  
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