

What's the Truth about ... the Mitzvah of Mezuzah?

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Misconception: A person who moves into a new dwelling has thirty days to affix *mezuzot* to the doorposts.

Fact: In Israel, both an owner and a renter must affix *mezuzot* immediately upon moving into a residence. Outside of Israel, an owner is required to put them up immediately, but a short-term renter is exempt from doing so for thirty days. Halachic authorities disagree over whether a long-term tenant is obligated to affix *mezuzot* immediately or after thirty days. The recommended compromise is to hang the *mezuzot* immediately without reciting a *berachah*, and to remove at least one *mezuzah* and reattach it with a *berachah* thirty days later.

Background: The mitzvah of *mezuzah* is derived from two sections in the Torah: Deuteronomy 6: 4-9 and 11: 13-21. The mitzvah consists of affixing a parchment inscribed with these two sets of verses (beginning respectively with “*Shema*” and “*Vehayah im shamoa*”) to the right doorposts within one’s house. A *mezuzah* must be written in a precise manner, following the same intricate rules that govern the writing of a *sefer Torah*. The parchment is usually placed in a case and fastened to the outer *tefach* (handbreadth) on the bottom of

the upper third of the doorpost. The case and parchment together are commonly known as a *mezuzah* because they are hung on the doorpost, which is called a *mezuzah*.¹ The *Shulchan Aruch* (YD 285:1) notes that this is an especially important mitzvah. It further states that one who performs it meticulously will merit long life, as will his children, whereas one who is not careful with regard to this mitzvah will have his life shortened. The Tur (YD 285) and *Aruch Hashulchan* (YD 285:3), based on *Menachot* 33b, add that in the merit of the mitzvah of *mezuzah*, one’s house is protected. But they both caution that one should perform the mitzvah out of a desire to fulfill God’s commandment and not for any other reason.

The obligation to affix a *mezuzah* devolves upon the resident of the dwelling. In Talmudic language, this obligation is called “*chovat hadar*”—the dweller’s obligation.² In general, therefore, the tenant, not the landlord, is responsible for putting up the *mezuzot*, although with regard to a “furnished” apartment, there is a halachic debate over who is financially responsible.³ Since this mitzvah is dependent upon dwelling in the residence, according to some opinions, if a person moves out of his house and leaves it empty, even temporarily, there is no obligation to have *mezuzot* on the doorways (*Pitchei Teshuvah* 291:4).⁴

One who owns the dwelling in which he resides (*Berachot* 17b; YD 291:3), whether in Israel or elsewhere, is required to put up *mezuzot* immediately upon moving in (Tosafot, *Avodah Zarah* 21a, s.v., *hu amar*; *Gilyon Maharshah*, YD 286:22). Similarly, a renter in Israel is obligated to affix *mezuzot* as soon as he takes up residence (*Menachot* 44a; SA, YD 286:22). In all of these cases, there is no grace period allowing for a delay in fulfilling the mitzvah beyond the move-in date.⁵ In other words, the day one moves into a residence, he must affix *mezuzot* on all⁶ the doorways in the house. Indeed, some authorities prohibit one from dwelling in a home where *mezuzot* are lacking.⁷

Someone who rents a dwelling outside of Israel for a period of less than thirty days is exempt from putting up *mezuzot* (YD 286:22).⁸ Similarly, if the rental is for a few days each week, one is exempt (*Iggerot Moshe*, YD 1:178). One who stays in an inn or a hotel room, even in Israel, is exempt from the mitzvah for at least thirty days (*Chovat Hadar* 3:5 and notes).

The halachic difference between a renter in Israel and one outside of Israel is not immediately obvious. After all, *mezuzah* does not seem to be a Land-based obligation. But the Talmud (*Menachot* 44a) informs us that the distinction is related to the mitzvah of

yishuv Eretz Yisrael, the obligation to settle the Land. Rashi explains the connection (*Menachot* 44a, s.v., *mishum*): Since once a *mezuzah* is fastened to a doorpost, it may not be removed (*Bava Metziah* 102a), the rabbis decreed that in Israel, one must affix a *mezuzah* immediately, thereby encouraging people to stay. Once *mezuzot* are affixed, a renter will be less likely to leave due to the effort of having to acquire and affix new *mezuzot*. Even if he does leave, another renter will probably be found more quickly if the residence already has *mezuzot*. These *halachot* help ensure that Eretz Yisrael remains populated.

The Shach and the Beit Yosef (YD 286), citing Rabbeinu Manoach (YD 286:28), explain that only a “resident” is obligated in *mezuzah*, and, in general, until thirty days, one is still considered a “temporary resident.” Rav Avraham Yitzchak HaKohen Kook (*Da’at Kohan* 179) explains that in Israel, because of the mitzvah of *yishuv HaAretz*, any dwelling is immediately deemed a permanent dwelling regarding fulfilling the mitzvah of settling the Land as well as the mitzvah of *mezuzah*.⁹

A number of other explanations are offered for the fact that the short-term renter living outside of Israel is exempt from fulfilling the mitzvah. Rashi (*Menachot* 44a, s.v., *veha’socheh*) explains that within the first thirty days of dwelling in a particular place, a person can easily change his mind and leave. Tosafot (ibid., s.v., *tallit*) offer two explanations. Firstly, a new arrival is not immediately accepted into the community, but after thirty days, he begins to be treated as a local resident. Secondly, Tosafot suggest that Biblically, only homeowners are obligated to affix *mezuzot*, but the rabbis extended the obligation to include renters who dwell in a place for more than thirty days.

It thus emerges that, according to Rashi and to Tosafot’s first explanation, a renter is Biblically obligated to affix *mezuzot* after thirty days, while accord-

ing to Tosafot’s second explanation, a renter is only rabbinically obligated to do so.¹⁰ In addition, it would seem that even Rashi would agree that within the first thirty days, a renter in Israel is only rabbinically obligated to affix *mezuzot*.¹¹

A major dispute among halachic authorities concerns a tenant outside of Israel with a lease term of more than thirty days. (See *Sdei Chemed*, *klalim*, *ma’arechet mem*, *klalim* 112-115, for a variety of opinions.)¹² There are two issues involved: Is one obligated in the mitzvah of *mezuzah* before thirty days are up, and if not, may one voluntarily affix a *mezuzah* and make the *berachah* during the first thirty days? It would seem that the reason short-term renters are exempt is relevant here. As stated earlier, Rashi explains that one who lives somewhere for less than a month may easily decide to move. However, according to Rashi’s explanation, if a long-term lease is signed, which would hinder one from moving suddenly, the exemption would no longer apply. To Tosafot, however, as long as one lives in a place for less than thirty days, his dwelling is considered “temporary.” Thus, according to Tosafot, it would seem that regardless of the lease term, one is exempt from fulfilling the mitzvah during the initial thirty days.

Based on Rashi’s reasoning, many authorities are of the opinion that if the term of the lease is for more than thirty days, the obligation to affix the *mezuzah* takes effect *immediately*, even outside of Israel.¹³ Others, based on Tosafot’s logic, rule that a *mezuzah* is not required, and therefore one is prohibited from reciting a *berachah* and affixing the *mezuzah* until after the thirtieth day of occupancy (*Pitchei Teshuvah*, YD 286:18).¹⁴ Rav Moshe Feinstein (*Iggerot Moshe*, YD 1:179) and Rabbi Moshe Sternbuch¹⁵ hold that one may fulfill the mitzvah and recite the *berachah* immediately.¹⁶ However, to avoid controversy, they endorse the “compromise” offered by the Yad Ketanah (*Hilchot Tefillin Umezuzah* 2: s.k., 25): Hang the *mezu-*

zot immediately without reciting a *berachah*, and thirty days later, remove at least one *mezuzah*, and reattach it with a *berachah*.¹⁷ Rav Moshe also advises that regarding one’s principal dwelling (as opposed to a vacation home), one should be stringent and affix *mezuzot* immediately.¹⁸

Kabbalistic sources ascribe apotropaic properties to a kosher *mezuzah*, that is, the power to ward off evil.¹⁹ Because of this, some authorities²⁰ rule as follows: “Let him not delay in affixing it, out of concern for the *mazikin* [harmful spirits].” Indeed Rashi (*Pesachim* 4a) suggests that one reason *mezuzah* is the dweller’s obligation is because it protects him.

Rambam (*Hilchot Tefillin, Mezuzah* 6:13) sees in the mitzvah of *mezuzah* a different form of “protection.” From his perspective, passing over a threshold is a revelatory experience. He describes the spiritual effect of constantly encountering the *mezuzah* upon entering and leaving a room. He sees the *mezuzah* as something that should awaken us to the ephemeral nature of all but the knowledge of the Creator. To paraphrase Rambam: One will therefore immediately return to his “senses” and walk in the path of the upright. Thus, a *mezuzah* protects a person from going astray. 🕯

Notes

1. See Rashi to Exodus 12:7, who says that a doorpost upright is called a *mezuzah*, and the lintel is called a *mashkof*.

2. Sources relating to *mezuzah* include *Bava Metziah* 101b; *Avodah Zarah* 21a; Rambam, *Hilchot Mezuzah* 5:11; SA, YD 291:2. Sources related to monetary obligations regarding *mezuzah* include Rambam, *Hilchot Maskirot* 6:3; SA, CM 314:2.

3. For a detailed discussion of the rules regarding renting a furnished apartment or a “*tzimmer*,” see Rav Pinchas Moshe Landman, *Tzohar* 12, ed. Rav Elyakim Dvorkes (5764): 258-270. See also *Shu”t Shevet Halevi* 6:YD.161 and *Shu”t Tzur Yaakov*, 194.

4. Cf., *Shu”t Maharam Shick*, YD 287.

5. Whether the *mezuzah* may be affixed before one moves in is debatable. See MB 19:4 and AH, OC 19:2.

6. Not just the front door. See Rema, YD 287:2, who writes:

The custom is widespread in these lands that most people rely on the one mezuzah placed on the entrance to the house; and this is not correct, and they have nothing on which to base this. Therefore, every God-fearing person should set up his house according to the law, [with a mezuzah] on every entrance that requires it.

7. See *Magen Avraham*, OC 13:8; *Pitchei Teshuvah*, YD 285:1; *Pri Megadim*, *Aishel Avraham*, OC 38:15 (not OC 31, as cited in the *Pitchei Teshuvah* [chet and aleph look similar in "Rashi script"]) and *AH*, YD 285:5. See also *Avnei Nezer*, YD 381, who prohibits living in a house with no *mezuzah*. *Tzitz Eliezer* 13:53 and Rav Yosef Shalom Elyashiv (cited in Landman, 262) disagree and permit one to stay in his house even if it lacks proper *mezuzot*. For a discussion, see *Sdei Chemed*, *klalim*, *ma'arechet mem*, *klal* 115. One may enter, and even stay, in another person's house even if it lacks proper *mezuzot*.

8. The thirtieth day would seem to be included in the exemption period. See *Sefer Hachinuch*, no. 423.

9. See Rav Efrayim Fischel Weinberger, *Yad Efrayim* 8:6 (Tel Aviv, 5736 [1976]), 105-106, for further discussion. Similar ideas are found in other areas of *halachah*, such as "temporary eating on Shabbat [is considered permanent enough] to obligate [one] in tithing" (Rashi, *Shabbat* 34a, s.v., *eisartem*) and "the mitzvah of sukkah confers the status of a permanent structure on the sukkah for the seven days of Sukkot" (Rashi, *Sukkah* 31a, s.v., *mipnei takana*).

10. This opinion is also found in Tosafot, AZ 21a.; Ramban, *Shabbat* 131b and *Shittah Mekubetzet*, BM 101b in the name of Rosh and Ritva, the latter who in turn cites this position as that of the Ri. This also seems to be the implication of *Yerushalmi*, *Eruvim* 6:4. The *Sefer Hachinuch* (see *Minchat Chinuch*, no. 423:2) holds that a renter's obligation is Biblical.

11. See *Chovat Hadar*, p. 27, n. *bet*, *Gevurat Ari* on *Yoma* 10a and *Minchat Chinuch*, no. 423:2. This is similar to the *halachah* that a four-cornered garment that is borrowed for less than thirty days is exempt from *tzitzit* (*SA*, OC 14:3).

12. All of this relates to affixing the *mezuzah* at the time that one moves in. When moving out, it is irrelevant if one owned or rented, and whether inside or outside of Israel, the rules are the same. If the new owner or tenant is Jewish, he must leave the *mezuzot*, or replace them, although he can request financial compensation for them (See *Bava Metzia* 102a; Tosafot, BM 101b, s.v., *lo yitlena*; *Sheiltot* 126, vol. 3, pp. 47-49; *SA*, YD 291:2; *AH*, YD 291:3 and *Pitchei Teshuvah*, YD 291:7-9).

13. *AH*, YD 286:49; *Chayei Adom* 15:22; *Nachalot Tzvi* (on *SA* 286:22) and Meiri, *Shabbat*, *perek shoel* (ch. 23). Rav Yosef Elyahu

Henkin, *Eidut LeYisrael*, 140-141, says that this is the custom. Rav David ben Rav Shmuel Friedman of Karlin, *Sheailot Dovid*, YD:8, provides a detailed analysis of this question, and sides with those who hold that there is an immediate obligation to affix a *mezuzah*.

14. See Tosafot, *Chullin* 110b, s.v., *tallit*, who state that the rule that a borrowed *tallit* is only required to have *tzitzit* after thirty days (*SA*, OC 14:3) is not predicated on the Talmudic principle that a typical lease is for a period of thirty days.

15. Rabbi Sternbuch, *Teshuvot Vehanhagot* 1:644, argues that since today a landlord cannot unjustifiably evict a tenant, the residence is "sold" to the tenant for that period. Thus, he concludes, the obligation of affixing a *mezuzah* with a *berachah* is immediate. Although Rav Sternbuch does not explicitly state so, this logic may obligate one to affix a *mezuzah* even if the term is for less than thirty days.

16. On the permissibility of reciting a *berachah*, see *Sdei Chemed*, *klalim*, *ma'arechet mem*, *klal* 112 (4:239-242); *Pitchei Teshuvah*, YD 286:17 and *Chovat Hadar*, p. 28-29, n. *zayin*. Note that if a *mezuzah* is affixed before there is an actual obligation, it can raise the issue of *ta'aseh velo min ha'assui*. See *Minchat Chinuch*, no. 423:2, who suggests that he could write an entire *kuntres* (volume) on this topic.

17. Rav Moshe opines that one need not even remove a *mezuzah*, but can merely read-just, kiss or touch one and then recite the *berachah*. This suggestion is also found in Rav Elyahu Bechor Chazzan (Izmar 5613[1853]-Alexandria 5668[1908]; chief rabbi of Alexandria 5648-5668), *Neveh Shalom*, 40b. See also *Shu"t Imrei Yosher* 2:152 for a discussion of the impact of modern leasing contract law on this issue.

18. Some contemporary books that address this issue are Rabbi Label Katz, *Ohel Aryeh* (Hebrew), (New York, 1976), 132-134, sec. 5:2, especially nn. 2, 4 and 5; Rabbi Yaakov Yeshayah Blau, *Chovat Hadar* (Hebrew) (1976), 26-31 and Rabbis Moshe Elefant and Eliezer Weinbaum, *The Complete Mezuzah Guide* (Beit El, 1988), 60-62, especially sec. 7:3-4 and n. 4. See also the many sources listed in Rabbis A.A. Frimer and D.I. Frimer, "Women's Prayer Services: Theory and Practice, Part I, Theory," *Tradition* 32:2 (winter 1998): 51, add., 1:b.

19. See Tur, YD 285, based on *Avodah Zarah* 11a. See also *Shabbat* 32b, that it protects children. On the history of this notion, see Martin L. Gordon, "Mezuzah: Protective Amulet or Religious Symbol," *Tradition* 16:4 (summer 1977): 7-40. See the sharp objection of Rambam in *Hilchot Mezuzah* 5:4 and the lengthy discussion in *Iggerot Moshe*, YD 2:141.

20. See, for example, Rav Eleazar Rokeach's opinion cited in *Sdei Chemed* 4, p. 242.