


# HALOCHOSCOPE



**This week's question:**

**A doorway between rooms has no door. There is a curtain that occasionally falls down. Does this affect the status of the *mezuzah* on this doorway?**

**The issues:**

- A) The question of whether an entranceway requires a door to be eligible for a *mezuzah*
- B) *Taaseh velo min he'asuy*, when the the door is added after the *mezuzah* is affixed
- C) The status of a curtain, whether permanent or temporary

**A) Is a door required for *mezuzah*?**

The *passuk* says that we are commanded to 'write [the words of *shema*] on the *mezuzos*, door-posts of our houses and gates. This implies that the type of entranceway that requires a *mezuzah* is one that has both door-posts and a door, like a house has, or a gate. In fact, this view asserts that there has never been any doubt in the mind of any posek about the requirement for a door to qualify for a *mezuzah*. However, some say that the main deciding factor is that the entranceway has the form of a doorway, the *mezuzos*. The door itself is not mentioned in this *passuk*. The word *shaar* could also mean gateway. This would refer to the frame of a gateway, with or without the actual gate. The same could be said of a house. While it is normal to have a door into a house, the word *bayis* often refers to a room. Not all rooms have doors, but they usually have the frame of a doorway. Thus, some poskim maintain that if a doorway has a *tzuras hapesach*, a *halachically* valid door frame, it requires a *mezuzah*.

The word *mezuzah* implies a door-post on which to affix the scroll. [We use the term *mezuzah* for the scroll. The original usage refers to the post.] If the entranceway has no posts, it does not require a *mezuzah*. The Talmud excludes *pischei shimai* from the obligation of *mezuzah*. There follows a debate on this term. One opinion is that it lacks a *tikrah*, and the other says that it lacks *shikfei*. The commentaries debate the meaning of these terms. *Tikrah* can mean a roof or ceiling, a lintel, or the horizontal doorstep part of the frame that prevents the door from swinging past the frame. *Shikfei* can mean the posts, or the lintel. All commentaries agree that the deficiency in either the lintel or posts refers to an unevenness. An opening with jagged edges does not qualify for a *mezuzah*. The consensus of the poskim is that a doorway must have both smooth posts and a lintel to qualify. Posts need not be separate pieces from the wall. If the wall comes to an end, making way for the door, this is sufficient. The Talmud and poskim debate whether a corner doorway, in which one 'post' consists of the end of a wall, can act as a post, or whether the ceiling can act as a lintel, when the doorway reaches to the ceiling.

There is also a minimum height of ten *tefachim*, standardized fists, and width of four *tefachim*, to qualify. A *tefach* is debated by the poskim, and is three to four inches. The

poskim debate whether a doorway with a door, but lacking in the qualifications for a frame, requires a *mezuzah*. The Talmud and poskim discuss other unusual doorways, such as doorways with one post, archways or Arabian doorways with no distinguishable posts or lintels, and 'frames' made to support the ceiling rather than as an entranceway.

The debate about the doors is based on a passage in the Talmud. One places the *mezuzah* on the right side of the entrance. If there is doubt about which side is used as the entrance, such as on an interior door between rooms, one goes according to the *heker tzir*. This means that the norm is to open a door into the room. Thus, the *tzir*, literally, the pin and socket hinge, meaning the direction of the hinging, defines the main 'entrance' usage of the door. Immediately following this passage the Talmud relates that the Exilarch built a house and asked Rav Nachman to affix the *mezuzah*. Rav Nachman told him to attach the door first. The juxtaposition of these passages indicates that the Exilarch was unsure of where to place the *mezuzah*. Rav Nachman told him to attach the door, so that the *heker tzir* would become obvious. However, a more simple explanation would be that he honored Rav Nachman with affixing the *mezuzah*. Rav Nachman responded that he would not affix it before the door was attached. This could be for a few reasons. Most obviously, the doorway requires a door to qualify. If the *mezuzah* is affixed before the door is attached, the *mezuzah* was affixed on a doorway that was exempt at the time. When the door is later attached, the doorway becomes eligible, with a ready-made *mezuzah* attached. This touches on *taaseh velo min he'asuy*, which will be discussed in the next section. A variation on this is that if the frame was to be added, one should not attach the *mezuzah* to the wall first, nor to the frame while it is detached (for the same reason). Or there might be an explanation based on the combined factors. If one requires *heker tzir*, one needs to attach the door first, so that he will not have affixed the *mezuzah* on a presumption. It is possible that even those who would not normally require the door, would consider it incomplete if a door was planned but not yet attached.

Based on this debate, the poskim debate whether there is an indication here that a door is indeed required. The consensus is to affix a *mezuzah* even if there is no door, but not to recite a *brocha*. [See Eruvin 2b 6a-b Menachos 33a-34a, Poskim. Rambam/Raavad Mezuzah 6:1 5, Kesef Mishneh, etc. Tur, Sh Ar YD 286:15 287:1, commentaries.]

### ***B) Taaseh velo min he'asuy***

This concept applies to *mitzvos* that require making something with which to perform the *mitzvah*. The term *taaseh* is used for two *mitzvos* in the Torah, the *mitzvah* of *tzitzis* and the *mitzvah* of *sukah*. In the case of *tzitzis*, the Torah instructs us to make them on the four corners of our garments. The term *taaseh* mean that they must be made, and not suddenly become valid by default. Furthermore, the terminology means that the garment must have the four corners and require *tzitzis* before they can be attached. If one attaches them to a three cornered garment, then adds a fourth corner, he may not count the first three *tzitzis* added at the time the garment was exempt. Some maintain that the terminology means that the corners must exist before attaching *tzitzis*. In the case of the *sukah*, the Torah is less explicit. However, the term *taaseh*, 'make', implies that there is a requirement to make the *sukah* for the purpose of the *mitzvah*. Therefore, one may not use ready made *sechach* for his *mitzvah*. The Talmud's example is to train vines over the

top of the *sukah*. These could not be used for *sechach*, since they are still attached to the ground. He could just cut them off and leave them in place. They would become *sechach* 'by default'. This is not good enough. Another example is to hollow out a haystack, using the sides of the hollow as the walls, and the top as the *sechach*. Since the *sechach* was not placed on the top as part of the making of the *sukah*, it does not count.

Our issue pertains to attaching a *mezuzah* before the door is hung. If the door is required to make the obligation, by affixing the scroll early, one has not fulfilled the *mitzvah*. When the door is hung later, the *mezuzah* is in place by default. The Talmud applies this invalidation to a *mezuzah* affixed to a door-post before the post is attached to the house. While many commentaries compare it to either *tzitzis* or *sukah*, there are other explanations. Some say that the *passuk* says the scroll should be placed on the door-post of the house. This means that it should be placed directly onto the house, rather than on the piece of wood before it is attached. Though the term *taaseh velo min he'asuy* is used by the Talmud, it is not meant in the same way as when used for the other *mitzvos*. In those cases the Torah uses the word *taaseh*, implying that the making is critical. In this case, the main factor is the affixing to existing door-posts. Thus, if a door is required, one may still affix the scroll before the door is hung. Indeed, one explanation of the view that invalidates a *mezuzah* affixed before the door is hung bases it on a Rabbinic application of *taaseh velo min he'asuy*. Another explanation does not attribute this invalidation to *taaseh velo min he'asuy*, since it is not mentioned explicitly. Rather, it is based on the *passuk*, as explained. Some actually maintain that the ideal is to hang the doors first, but that if the *mezuzah* was affixed first, it is valid after the fact.

Some say that a house does not qualify for *mezuzah* if it has no roof or ceiling, based on the aforementioned passage. What if the roof is added after the *mezuzah* is affixed? The issue of *taaseh velo min he'asuy* arises. One is only obliged to affix the *mezuzah* when he lives in the house. What if it was affixed before anyone moved in? A tenant outside *Eretz Yisroel* is only obliged after thirty days. What if he affixed the *mezuzah* before the thirty days. In these cases the *mezuzah* was affixed before there was an obligation. When the obligation set in, it was there by default.

As an expansion of this discussion, the poskim raise the question of when the door was removed and replaced. In the interim, the doorway might have been considered exempt. When the door is replaced the *mezuzah* is there by default. Accordingly, the prevailing practice is to re-affix the *mezuzah* without a *brocha*. This raises a question about a removable door. Often a shutter is made to be removed totally and then replaced. It is not secured with nails or screws. It is hung and then locked, but does not have permanent hinges. There are two issues here. Is this considered a door? If it is not, there is no requirement of *mezuzah* according to the stringent view. The other view does not require the door to be in place at all. Therefore, there is no issue with replacing the *mezuzah* every time. If it is a door, does the nature of its removal count as opening and closing a door, since it is made to be used this way? One posek leaves his as an open question. Our case raises similar issues. If the curtains are meant to be taken down periodically, such as for cleaning, or if they can be pulled down and put back without tools, they seem to be temporary. [See Sukah 11b 12a 15b Menachos 33a-b 40b, Poskim. Tur Sh Ar YD 286:11

### C) Curtains

Are curtains considered doors? Is there a difference between fixed curtains, removable curtains on fixed hooks and curtains held in place with a tension rod or draped?

Those who consider the determining factor the usage of the word *shaar* for gate, cite the curtains at the gate of the courtyard of the *Mishkan*, the tabernacle. One posek cites this as proof that a *shaar* need not have a door. He clearly holds that a curtain is not a door. The other side responds that the curtain indeed serves as the door. There was also a curtain at the entrance of the *Mishkan*, and a *parochess* between the two sections of the *Mishkan*. The *parochess* was simply draped over the beams. The curtain of the *Mishkan* was hooked onto the poles. It appears that the curtain at the gate held in place the same way, though this is not mentioned explicitly. If we are to take this citation to its logical conclusion, the stringent view considers a curtain the same as a gate or door.

The issue seems to be whether the house is considered closed with the curtain. Is the door for separation from the outside, privacy, protection from elements, or security? The curtain provides separation and privacy, and allows for normal usage of a house. It does not serve to protect. Interior rooms do not need protection. They need the separation, and sometimes privacy. A door can be locked, while a curtain cannot. A curtain might also be used to separate areas of the house at different temperatures or noise, and might serve to enhance the decor. In this way, they complete the doorway, similar to the function of a door. The question is whether this is the critical factor for *mezuzah*.

The poskim are divided on the status of curtains. They do not seem to distinguish between the ways that the curtains are attached. [See Bircas Avraham 41 (Ramabam Mezuzah 6:1 5, Mirceves Hamishneh, Divrei Yirmiyahu, Yeshuos Malko. Kvias Mezuzah Kehilchasah 2:note 32.)]

In conclusion, due to the various opinions, one should hang the curtain before affixing the *mezuzah*. However, the *brocha* remains a question. Therefore, one should affix a *mezuzah* to another doorway that has a door at the same time. The *brocha* will serve for both *mitzvos*. If the curtain is removed with the intention of replacing it right away, or if it falls down, one need not re-affix the *mezuzah*. If it is removed and later one decides to put it back, he may remove one nail or screw of the *mezuzah* and return it, with no *brocha*.

**On the Parsha ...** *Chag hasukos taaseh lecha, make yourselves a festival of Sukos .. [16:13] 'Make' and not ready-made. [Sukah 11b etc]* Where in these words do we see a reference to building the *sukah*, as opposed to the festival itself? The same term *ve'asisa* is used for *Pesach* and *Shavuos*! There, *asiyah* refers to offerings. Here the only making applies to a *sukah*. The *chag* is also mentioned before the *asiyah*. Perhaps this allows the word to be read twice: At *chag hasukos, sukos* you shall make!

🕯 **Sponsored by Joshua Sindler in memory of his grandfather, Andrew Cohen, Chani-nah ben Eli haKohen z"l, whose 30th *yahrzeit* is on the 27<sup>th</sup> of Av. ♣**

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