

HALOCHOSCOPE

This week's question:

A porch has a low railing part of the way across. It is too low for a *mezuzah*. However, the railing is attached to a post at the corner, holding up the roof. Should a *mezuzah* be affixed on the post?

The issues:

- A) Which openings require a *mezuzah*?**
- B) What is a *tzuras hapesach*, shape of a doorway?**
- C) Chizuk tikra, posts to support the roof**

A) Conditions that require *mezuzah* [Mostly excerpted from Halochoscope VIII:38.]

The Torah says that a *mezuzah* must be affixed “on the door-posts of your house and in your gateways”. This teaches us four basic requirements for a *mezuzah*: that there be door-posts; that there be a house; that it is “yours”; and that there be a gateway.

These translate into various conditions. Due to the requirement that it is a house, it must have enough space for normal living. This is determined to be four cubits square. It must also be a human dwelling. In turn, this is the reason it must have a roof. It also exempts a *shul* or the temple. It exempts a temporary dwelling and a structure not used for respectable uses, such as a lavatory or a laundry.

Door-posts are interpreted as a full doorway, with posts and a lintel. The door-posts are assumed to be a part of a door frame. The Talmud debates the requirement of two door-posts, as opposed to one post on which the *mezuzah* will be affixed. Accordingly, some poskim only require a *mezuzah* when there are two door-posts, while others require it as long as there is a right side post when entering the doorway from the outside. The *mezuzah* is affixed to this side. A normal door frame is ten *tefachim*, fist-widths, high, and four wide.

The requirement that it be yours means that if it is not used by people, either for personal dwelling or storage of home items, it is exempt. It is not considered 'yours'. This exempts a stable or barn. There is evidence that a barn that could be lived in should require a *mezuzah*. However, since the cattle relieve themselves there it is not considered respectable. [This has ramifications for a shed used for outdoor storage such as a garage or boat-shed. If a *mezuzah* is affixed there at all, it should be without a *brocha*.]

The requirement for gateways is taken literally by some poskim, meaning that it must have a gate of door. Others maintain that a door is not a requirement for the obligation to apply. However, it is used to determine the function of the entrance. This, in turn, determines on which side the *mezuzah* is affixed. It is always on the right side of the way in. Some doorways are used in both directions equally. In such cases, the direction is assumed to be where the doorway is pushed, rather than pulled.

The term gateway teaches us other things. According to some, this is the source for the minimum height of ten *tefachim*. Gates to cities are included in the obligation, since they lead to dwellings. The same is true of gates to courtyards, though they have no roof. Some cite the requirement of a *mezuzah* on courtyard gates as proof that a roof is not required. A porch is also considered a gateway of sorts. It leads to the main door of the home. [See Yuma 10a-12a Menachos 33a-34a, Poskim. Rambam, Mezuzah 6:1 etc. (Kiryas Sefer). Tur, BY Sh Ar YD 286, commentaries. Avnei Nezer YD:92:7.]

B) *Tzuras hapesach*

to determine which doorways require a *mezuzah*, the term *tzuras hapesach* is used. The shape and form of the entrance must resemble a door frame. As mentioned, it must have a minimum of four *tefachim* in width and ten *tefachim* in height. To be considered a nominal doorway it must have two vertical posts and a horizontal lintel. Most poskim maintain that the lintel should be right over the top of them. They may be frail, the post should hold a straw door. The lintel may be fine string.

In Talmudic terms, *tzuras hapesach* can mean one of two things. Usually, it denotes a partition. Partitions can be made to seclude an area from its surroundings. This would by necessity be solid. They can also be made to divide two spaces. For example, on *Shabbos*, one may not carry in the public domain. To enclose an area to render it private, partitions are erected. One explanation how such a frail structure can be considered a partition or enclosure is as follows: walls often must have doorways or entrances to go through them. If so, there must be a minimum size to the doorway, which is enough to allow normal usage. However, there is no maximum. Accordingly, as long as the wall retains its outer extremes, it exists. The inner part can always be considered the doorway going through it.

The second use of the term *tzuras hapesach* is to determine whether an opening is a doorway or a breach. The common applications of this are in enclosing a wide space for *Shabbos*, and for *mezuzah*. For example, on *Shabbos* an enclosed area is considered private. If it is breached by a large space, it is no longer considered enclosed. If there is a *tzuras hapesach* across the breach, it is considered a doorway rather than a breach.

For *mezuzah* purposes, if the opening is merely an opening, it does not require a *mezuzah*. It must be a qualifying doorway. Many poskim derive this from the use of the Torah term *mezuzah*, meaning door-post. The Torah does not require the scroll to be affixed on an opening, but on a door-post. Furthermore, when describing the blood on the door-posts in Egypt, the Torah describes the door-posts going hand in hand with the lintel. Therefore, the presence of door-posts and a lintel, and according to some, a door as well, are essential requirements for the obligation.

One requirement for a doorway, based on a Talmudic passage mentioned by the poskim, is that the sides and top are even. If it is jagged with protrusions, it does not look like a *tzuras hapesach*, but like a breach. Some say that the jutting pieces disqualify the lintel. In our case, let us assume that the larger opening is a *tzuras hapesach*. The low protruding wall would need to somehow not disqualify the larger doorway.

The Talmud debates whether two door-posts are required. Those who require only one post, say it must be on the right. The term used for a post is *petzim*. Usually, this

refers to a frame. In the context of the Talmudic debate some maintain that it refers to the structure itself, even without an added frame. However, the structure must have a *tzuras hapesach* cut into it. The walls will serve as the *petzimin*. The Talmud raises a question about a doorway that seemed not to have *petzimin*, but had a *mezuzah*. The first statement is that the walls on the sides of the doorways are the *petzimin*.

This passage has a number of interpretations. One is that the doorway in question is diagonal on a corner of the structure. The walls are not parallel to the doorway. Nonetheless, they are alongside it. The same is true of the lintel. Another interpretation is that the actual *petzimin* frames are unusual, as they do not face each other. The Talmud's answer would be that this does not matter. Another interpretation of the passage is that it refers to an opening where an entire side is missing its wall. One view to explain this is that the opening is the missing side. Accordingly, if this is the case, this is not an entrance, but a breach. However, if there is a small piece of 'frame', that is a little bit of parallel wall to the entrance at each end, this is a *pesach*. The Talmud's conclusion according to this view is that even this is not required. The *rosh* or *sof kosel*, ends of the walls, are considered the *petzimin*. Another view is that it refers to a wall with an opening, but no frame. The Talmud's conclusion would be that the ends of the parallel walls on the sides and on top count as *petzimin* and a lintel. In this view, *sof kosel* cannot count if it is perpendicular to the entrance, only if it is parallel.

If the wall is parallel on one side, but perpendicular on the other side, i.e., it is open on one side all the way to the wall, the poskim would debate the need for a *mezuzah*. Thus, if the right side has a parallel wall, some would require a *mezuzah*. If the left side ended at the doorway, and according to some, even if the right side ended right there, some would require a *mezuzah*. In such situations, a *rav* is consulted. Sometimes, a *mezuzah* is affixed without a *brocha*, due to the doubt.

If the posts are minimum height, but do not reach the lintel, this is still considered a *tzuras hapesach*. Similarly, if the walls of the structure have many windows, so that it looks as though there is more open space than solid, if the walls still qualify, it requires a *mezuzah*. Furthermore, if the cutout for the doorway is wide at the top, but on a lower part of it narrows down, it would require a *mezuzah*. The *mezuzah* would be placed on the right side, but its exact location would depend. If the lower piece of wall is high enough it is placed there. If not, there is a major debate on this situation. If the space between the end of the full wall and the end of the half wall is large, the poskim debate whether the end of the full wall can indeed be considered a *petzim*. The protrusion of the lower part might also be considered an uneven opening. The next question is whether the height of the opening at its highest point is used to determine where the *mezuzah* is placed. Or should the height at the low part be the determining factor?

Thus, if one had a porch wall going half way up to a porch overhang, and the overhang had a vertical piece coming down directly over the low walls, one would affix a *mezuzah* to the right side of the half wall. In our case, low wall is too low to be considered a post. However, there is a post at the corner. If this were to be considered a parallel wall, or even a *sof kosel*, and if there is a vertical frame of some kind directly over it or attached to its side, could this be considered a doorway? Is this part of the aforemen-

tioned debate? [See refs to section A. Sh Ar YD 287:1-2 (Ar. Hash.), commentaries. Chovas Hadar 8:1-3, notes.]

C) *Chizuk tikra*

If the posts and/or the lintel do not serve as a doorway, but to support the roof the structure is exempt from a *mezuzah*. They are not walls, and the opening is not a *pesach*. All we have is a roof. This is based on two sources in the Talmud. The area under a watchtower is surrounded by the poles holding up the tower. The space between the poles looks like a doorway. However, the poles are there to support the roof, or floor of the tower, rather than to provide an entrance to the space underneath. An *achsadrah*, shelter or pavilion, can be enclosed on one, two or three sides. The fourth side, at least, is open. The presence of beams or posts on the fourth side is merely to hold up the roof. This is very often identical to porches. If there is a small piece of wall on the fourth side, it is obviously there to serve as a wall. It is not needed to hold up the roof. Therefore, a *mezuzah* would be required. The question is, why not count the ends of the perpendicular walls as *petzimin*, according to the view that counts them in a regular doorway?

Among the answers, there is one that serves our purposes here. The shelter is not made for its walls, but for its roof. It is ideally open on the side(s), with no need for doorways. Therefore, the walls cannot be considered *petzimin*. A house is made of walls as well as a roof. Its walls can be considered the *petzimin* of its doorways.

In our case, the posts at the corners are clearly there to shore up the porch roof. They might be decorative as well, but they are not walls. On the other hand, there are railings. They seem to serve as walls. This might render the enclosure as a walled in area. If so, the posts are part of these walls. If so, while the walls themselves are too low, perhaps the posts are the ends of the walls. There also seems to be a piece of lintel, being the beam that holds the roof up. However, this is also *lechizuk tikra*. Nonetheless, in conjunction with what we just described, it might be considered a part of the wall as well.

The answer seems to lie in how the low walls are made. If they were extensions of full walls, they would definitely count as walls. Since they are the only 'walls', they are only there as railings. As such, they are not part of the poles and beams, but separate. Therefore, there is no requirement of *mezuzah*. There is no minimum height, and there is no lintel. [See refs to Section A. Rambam Mezuzah 6:3. Sh Ar YD 286:6, commentaries. Chovas Hadar 4:1 7:5-10, notes.]

In conclusion, in this situation, no *mezuzah* is required.

On the parsha ... *What kind of cities do they live in? Are they camps or fortresses? [13:19]* This means “do they dwell in fortified cities or are they unfortified”? This would be a sign of their strength and confidence [*Rashi*]. However, *machanim* means camps. The usual word for unwalled cities is *prazim* or *chatzeros*. Camps could refer to tent-dwellers, like Bedouins [*Ibn Ezra*]. This could also be viewed as a sign. If they live in permanent dwellings, they will be harder to fight. If they live in temporary dwellings, with no walls, it is as though they are passing through. They will move on, rather than fight.

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