

Checking and Leaving מזוזות Aryeh Lebowitz

- I. Introduction. Once the מזוזה has been purchased and placed in the correct location, the מצוה has been fulfilled. Yet, one still must maintain the מזוזות properly and accord them proper respect. In this essay we will discuss the obligation to check the כשרות of the מזוזות, as well as the requirement to leave the מזוזות after moving out of a house.
- II. Checking the מזוזות. The שולחן ערוך (סימן רצא סעיף א') clearly rules that מזוזות owned by individuals should be checked twice every seven years. מזוזות that are owned by the community need only be checked twice every fifty years. The ש"ך (שם ס"ק א') explains that community owned מזוזות are checked so infrequently because whenever we are dealing with a רבים we are lenient so that people will not come to pass the responsibility to the next person. If public מזוזות required frequent checking, people may view it as a hassle and try to avoid checking the מזוזות with the justification that somebody else should bear the responsibility to get the מזוזות checked.
 - A. Why do we check? (יומא דף יא.) רש"י offers two reasons for checking the מזוזה. First, there is a concern that the scroll has worn out and become פסול. Second, we must ascertain that the scroll has not been stolen from inside the case. If the concern is that the scroll and the ink have become worn out, it is clear that checking would involve reading through the entire scroll to make sure that all of the words are there. If, however, the concern is only that it may have been stolen, the one checking the מזוזה may not have to actually read it. Furthermore, if the מזוזה were kept in a secure location that thieves cannot easily access, only the first reason for checking will apply. פוסקים seem to assume that we check the מזוזות for both reasons and must verify both the presence of the מזוזה as well as its kosher status.
 - B. Who is qualified to check? While it is common to have a סופר check the מזוזות, especially since most people are completely ignorant of the laws of ספרות, the הלכה may not require a סופר for this job. The פתחי תשובה (י"ד סימן רצא ס"ק ג') cites the ruling of the חתם סופר that anybody who can read Hebrew can check a מזוזה. All the person has to do is verify that there are not any missing letters in the scroll. Obviously, if a layman checks the מזוזה and there is some problem (i.e. a smudge, faded letters, touching

letters, etc.) a סופר must be consulted to deal with the problem. Furthermore, it should be noted that having a laymen check is only sufficient once the מזוזות have been certified to be kosher once before. If a person buys מזוזות from an unknown source, or moves into a home that already has מזוזות it is important that a סופר check the validity of such מזוזות at least once before the layman can take the responsibility upon himself. Even if the מזוזות were purchased from a known righteous scribe, they should be checked once by a סופר to verify that they were written in accordance with the custom of the homeowner (Ashkenazic versus Sefardic writing – see שו"ת אגרו"מ או"ח חלק ה' (סימן ב'). One must also be aware of the many printed (as opposed to hand written) מזוזות that are commonly sold and may require the discerning eye of a scribe to identify. Once the מזוזות have been approved by a scribe, each subsequent checking can be done by a layman. In fact, it is preferable that a person check his own מזוזות to having the rooms of one's home remain without a מזוזה for a day or more while a qualified סופר checks them. Even when the scribe does the initial check, the homeowner should encourage him to do it as quickly as possible (one מזוזה at a time) so that the rooms do not remain for an extended period of time without a מזוזה.

C. Exceptions to the rule.

1. The (רצא:א) ערוך השולחן writes that the requirement to check twice every seven years assumes that the מזוזה is not exposed to harsh weather or other conditions that can cause the מזוזה to deteriorate more quickly. If it is exposed to such elements it should be checked every year. The ערוך השולחן adds that even if one checked three or more מזוזות in his home without encountering a problem, the remaining מזוזות must still be checked because the conditions of each doorway are different. Conversely, Rabbi Shlomo Zalman Auerbach is cited as having ruled that if a מזוזה remains enclosed in a plastic, and is completely protected from the wall and from the elements, one can check it much less frequently (הליכות). Rav Auerbach is cited as having ruled that תפילין do not require any checking either because they are made in a way that they are completely protected from the outside elements.

2. If the מזוזות have been painted over and it is difficult to get them out of the wall, Rav Moshe Feinstein ruled that they still must be removed for checking. It is not sufficient to just add another מזוזה on the doorpost and forget about the original מזוזות because having two kosher מזוזות on a single doorpost poses a serious problem of בל תוסיף. In fact, Rav Moshe points out, when the מזוזה has been painted over it should be checked immediately, and not wait for the twice every seven years, because it is likely to have become פסול in the course of the painting. Rav Moshe recommends that prior to painting all מזוזות should be removed and replaced after the paint has dried (שו"ת אגרו"מ יו"ד ח"א סימן קפג).
3. The אדם חשוב writes that an אדם חשוב should check his מזוזות each and every year. The מטה records the practice of checking the מזוזות of one's home during the month of אלול.
4. It is also customary to check מזוזות when there is a particular hardship that has faced the family living in the house. The belief is that a slight פסול in the מזוזות that protect the home, may have allowed the hardship to affect the family (see תשובות מהרי"ל סימן צד).

III. Leaving the מזוזות after moving out. The (יו"ד סימן רצא סעיף ב') שולחן ערוך rules that when moving out of a house a person must leave the מזוזות for the next person who will move in. It should be noted that the restriction is limited to the מזוזות scrolls, and does not apply to the cases, which may be removed and replaced with cheaper cases according to all authorities. There are a number of details of and exceptions to this הלכה that are discussed by the פוסקים:

A. Reason for the prohibition. The שאילתות דרב אחאי פרשת שלה שאילתא בזיון המצוה suggests that removal of the מזוזה constitutes a מצוה (denigration of the מצוה) because it removes that מצוה from a place that previously had the מצוה affiliated with it. The שאילתות even cites a Talmudic story of one who took his מזוזות with him, only to lose his wife and children shortly thereafter. תוספות (בבא מציעא דף קא:) states that the reason one cannot remove the מזוזות when leaving a house is that the house then becomes susceptible to destructive forces. Taking the מזוזות is therefore the equivalent of hurting the next residents of the house.

- B. Cost of the מזוזה. Although one is obligated to leave the מזוזות on the doorposts for the next person who will live in the house, the רמ"א points out that the seller can certainly charge the buyer for the cost of the מזוזות. While he may request payment, the ערוך השולחן rules that the seller may not take the מזוזות even if the buyer refuses to pay for the מזוזות. Nevertheless, if the exiting party owes some money to the landlord or home buyer, Rav Yitzchak Weiss has ruled that he may withhold payments amounting to the value of the מזוזות that he left behind (שו"ת מנחת יצחק חלק ט' סימן קו).
- C. When both parties agree. The פתחי תשובה (ס"ק ז') writes that even when the buyer is interested in putting up his own מזוזות immediately upon moving in to the house, the seller may not remove the מזוזות. Instead, he should have the buyer send them to him as soon as he has put up his own מזוזות ג' (שו"ת באר משה חלק ג' סימן קפא). Only when one is moving to a location where he will not be able to secure מזוזות for himself he may take his old מזוזות with him, provided that he affixes them immediately in his new home. (See שו"ת מנחת יצחק חלק ה' סימן קי who seems to disagree and allow the removal of the מזוזות when the new homeowner will put new מזוזות up immediately.)
- D. When one is leaving a rented apartment and another Jew is going to move in, Rav Moshe Feinstein ruled that one can rely on the opinion of Rav Henkin that since the common practice is for the landlord to repaint the apartment for the new tenant, the exiting tenant may take the מזוזות down in advance of the painting and keep them (שו"ת אגרו"מ יו"ד חלק ד' סימן מד בסוף התשובה).
- E. The חזון איש was asked if it is permissible to switch the מזוזות for lesser quality מזוזות prior to leaving a house, and he responded that the מזוזות should not be removed at all (תשובות וכתבים חזו"א א). However, many פוסקים disagree with this approach. מקדש (כד:יב) writes that you may switch them, but remains unsure whether or not a ברכה is recited, considering that the seller no longer plans on living in the house. שו"ת באר משה ג:קפא agrees with this approach and advises not to recite a ברכה when making this switch (see שו"ת מנחת יצחק חלק ה' סימן קי who also agrees).
- F. If the home was rented from a non-Jew or a non-Jew will be moving into the home, the שו"ע rules that the Jew should take the מזוזות down before leaving the house.

IV. Giving a מזוזה to a non-Jew. The רמ"א (יו"ד סימן רצא סעיף ב') writes that absent any concern for safety or ill will, one should refrain from providing a non-Jew with a מזוזה. This ruling seems to be supported by a passage in רבי יהודה הנשיא תלמוד ירושלמי (פאה פרק א' הלכה א') where רבי יהודה הנשיא sent a מזוזה to a non-Jew, presumably to maintain a positive relationship with him. (See שו"ת באר שבע סימן לו for other suggestions as to why רבי יהודה הנשיא would send a מזוזה to a non-Jew, including the possibility that he was trying to convince the man to convert.)

A. Reasons for this prohibition:

1. The שו"ת באר שבע סימן לו suggests that the prohibition is based on the ruling of the רא"ש that although a מזוזה provides the house with protection, one's intention in having the מזוזה should not be for the security benefit, but for the fulfillment of the word of God. The non-Jew, who is not obligated in this מצוה is only using it as a "charm" for protection, thereby misusing a sacred object.
2. Furthermore, the באר היטב (סימן רפו ס"ק ה') writes that a non-Jew cannot be trusted to respect the sanctity of the מזוזה.
3. Finally, שער תשובה (סימן קנז) suggests that the problem with giving a מזוזה to a non-Jew to place on his doorway is that people will mistakenly assume he is Jewish. If this is the concern, it is possible that one should not even give him a מזוזה cover, because when we see a מזוזה cover on the door most people assume the resident of the home is Jewish without investigating whether or not the scroll is inside.

B. Giving a מזוזה פסול. Interestingly, Rav Moshe Feinstein opposed the idea of providing a non-Jew who asks for a מזוזה with a מזוזה פסולה. Rav Moshe explains that there is a prohibition of גניבת דעת that applies even to a non-Jew. Clearly when he asks for a מזוזה, the non-Jew is asking for a מזוזה similar to the ones that his Jewish neighbors put on their homes. To provide him with anything else is considered to be a violation of גניבת דעת (שו"ת אגרו"מ יו"ד חלק א' סימן קפד).