

REMOVING A MEZUZAH

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The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

שאלה

Must a mezuzah be removed from or left on the doorposts when one is moving from one residence to another? Must it be left only when Jews are moving in to the home? What about ‘art’ mezuzot, beautiful or expensive or very decorative mezuzot that have a great deal of meaning to the present owner or resident, may they be moved even if a Jewish person is moving in to the house?

תשובה

The major source concerning this issue is found in Bava Metzia 101b–102a. The Mishnah informs us that:

המשכיר בית לחבירו המשכיר חייב בדלת בנגר ובמנעול ובכל דבר שהוא מעשה אמן.

If one rents a house to his neighbor, the landlord must provide the door, door-bolt, lock, and everything which requires a skilled worker.

The Talmud reports that Rav Sheshet was asked, “מזוזה על מי?” “Who must provide the mezuzah?” It responds by stating that Rav Mesharsheya said that the obligation of the mezuzah lies upon the inhabitant. The Talmud then responds that the real question is who shall provide the place for the mezuzah since very often a cavity was made in the stone doorpost, which required a skilled worker.

The Talmudic section then continues by stating:

תיר המשכיר בית לחבירו על השוכר לעשות לו מזוזה וכשהוא יוצא לא יטלנה בידו ומנכרי נוטלה בידו ויוצא.

Our Rabbis taught: If one rents a house to his neighbor, the tenant must provide a Mezuzah. But when he leaves the house, he must not take the mezuzah with him, excepting if it be leased from a non-Jew, in which case, he must remove it when he leaves.

The Talmud then substantiates this legal statement by quoting a story:

ומעשה באחד שנטלה בידו ויצא וקבר אשתו ושתי בניו.

And it once happened that a man took the mezuzah away with him and he buried his wife and two children.

Rav Sheshet clarifies the passage by stating that the story deals with the former case of an Israelite who took the mezuzah off the doorpost where he had rented it from another Jew.

The Tosafot (ad locum) suggest that a house without a mezuzah will allow the *mazikin*, the evil spirits, to enter before the next resident moves in. The printed Ritba on our text suggests since this individual was not concerned about the welfare of those who would move in after him, it was *מידה כנגד מידה*, measure for measure, and his family was harmed.

From this source it seems rather straightforward: It is incumbent upon the person who resides in the home, the renter, to put up the mezuzah. When he leaves the premises he must leave it upon the doorpost if the home belongs to a Jew. Should it belong to a non-Jew then he should take the mezuzah with him. The story seems to suggest that if one does not follow this law then punishment will ensue. Maimonides in the Mishneh Torah (Hilkhot Mezuzah 5:11) states:

המשכיר בית לחבירו על השוכר להביא מזוזה ולקבוע אותה אפילו היה נותן שכר על קביעתה מפני שהמזוזה חובת הדר היא ואינה חובת הבית וכשהוא יוצא לא יטלנה בידו ויצא ואם הבית של כותי הרי זה נוטלה כשיצא.

If a person rents a house to another it is the responsibility of the renter to bring the mezuzah and affix it even if he has to pay for it to be affixed. This is because the affixing of a mezuzah is the responsibility of the person who dwells in the house and not the house itself. When he moves out, he must not take it with him. If the house belonged to a non-Jew, he takes it with him.

The Shulhan Arukh in Yoreh Deah 291:2 codifies this law:

השוכר בית מחבירו השוכר חייב ... וכשיצא לא יטלנה בידו ואם שכר הבית מעובד כוכבים או ששכרו לעובד כוכבים נוטלה ויוצא.

If an individual rents a home from his friend he must affix a mezuzah . . . and when he leaves he must not take it with him. Should he rent the home from a non-Jew or lease it to a non-Jew he takes it with him when he leaves.

While the sources refer to the rental of houses, the same laws would apply to the sale of homes. Since the mezuzah is the responsibility of the person who dwells in the house it would make no difference if the person dwelling in the house was an owner or a renter. Should he move out of the premises the halakhah would stipulate that he must leave the mezuzah if a Jewish owner or renter followed him and take it with him should he be followed in the place by a non-Jew.

While the answer here seems to be rather simple and straightforward there are always extenuating circumstances. These are mentioned in the She'ela. Mezuzot may have sentimental value to us, they may be quite expensive. Does the halakhah recognize these issues as legitimate grounds to change the law?

A mezuzah as understood by the Rabbis refers to the two passages of the Torah (Deuteronomy 6:4–9 and 11:13–21) which are written on a kosher piece of parchment. The Talmud seems to suggest (Bava Metzia 102a) that these passages were placed in a cavity next to the doorpost but could even be placed in a hanging tube of a reed.

In the Babylonian Talmud, Menakhot chapter 3, it was understood that the dweller in the home has the responsibility of placing mezuzot on the entrance of the home and to the door of every living room of a house. It is to be affixed to the right hand doorpost of the room, in the top third of the doorpost facing in. By the time of the Shulhan Arukh it was suggested that it was wise to cover the parchment for its safekeeping in order to protect it from getting moisture (Yoreh Deah 286:5).

In our days, with the advent of Judaica artists, the covering of the mezuzah has become just as important as the parchment to the people of our communities, if not more so. Newly married couples, for example, may receive beautiful mezuzot as gifts to enhance the Judaic sanctity of the home as well as its aesthetic beauty. In fact, I have officiated at some weddings where the shards of the glass smashed by the hatan at the conclusion of the ceremony are gathered up and then made into a covering for the appropriate parchment and presented to the couple to hang on their doorpost as a memento of their wedding.

Thus, the issues related to leaving the mezuzot behind for the next owner or renter should that person be Jewish are today more complex. Who would want to leave behind these mezuzot which may not only have sentimental value but also may be worth considerable sums?

There have been various solutions offered to this dilemma.

The Rama, Rabbi Moshe Isserles, (Yoreh Deah 291:2) recognized that mezuzot may be quite expensive and leaving them for the next renter or owner may be quite costly. He suggests that if the person moving out of the house is concerned about the monetary loss, then it is the responsibility of the person moving in to pay for the mezuzot. This can be a solution to the issue of the expense involved in leaving behind the mezuzot but it does not answer the question of their sentimental value. The Pithei Teshuva (Rabbi Abraham Zvi Hirsch ben Jacob Eisenstadt) on the same siman in the Shulhan Arukh offers another alternative. He quotes the Birkei Yosef (Rabbi Hayyim Yosef David Azulai) stating that if the Jew leaving the residence wants to take the mezuzah with him and the Jew entering the residence agrees and immediately affixes his mezuzah this is permitted, as it alleviates the problem outlined by the Tosafot and the printed Ritba. This solution is also offered by more contemporary sources. In their book *The Complete Mezuzah Guide*, Rabbi Moshe Elephant and Rabbi Eliezer Weinbaum quote Rabbi T. Goldstein who states that if there is no intervening time between the taking down of the mezuzot and the putting up of new ones then it is permissible to take them.¹

Rabbi Jakob Yeshayahu Blau in his book *Sefer Hovot HaDar* also agrees that this is permissible.²

Both of these books quote the Da'at Kedoshim on paragraph 291 Shulhan Arukh Yoreh Deah who states that very expensive mezuzot may be exchanged for less costly ones before moving out of the house. Since the doorposts still carry mezuzot, the concern of the Talmud does not apply, and therefore this is permitted.

Rabbi Ovadiah Yosef (Yabia Omer, volume 3, Yoreh Deah 18) states that:

כל שמניח מזוזה כשרה במקום המזוזה המהודרת הואיל ואין כאן חשש למזיקים משרא שרי.

It is permissible to place a kosher Mezuzah (on the door) in place of a more artistic one since there is no worry at all concerning the Mazikin.

He actually suggests that this be done a few days before the move so that when the move does take place a mezuzah is already on the door and does not need to be replaced.

¹Moshe Elephant and Eliezer Weinbaum, *The Complete Mezuzah Guide* (Brooklyn, New York, 1987), p.90 footnote 2.

²Jakob Yeshayahu Blau, *ספר חובת הדר* (Jerusalem, Israel, 1932), p.19 footnote 53.

Mishneh Halakhot³ volume 7 #189 brings the case of a person who has expensive klafim (parchment) and the buyer does not want to pay for them. He suggests that the new resident can either buy them or tell the owner to take them, so that rather than including money for the mezuzot in the price, the new resident will use the money to buy cheaper ones.

In Sefer Mezuzot Melakhim (11:22),⁴ a commentary on the Kitzur Shulhan Arukh, Rabbi Moshe Zvi Landau discusses the situation where the expense of the mezuzot is so great that the new resident cannot afford to purchase them. He suggests that if this is the case then the klaf can be left behind and the new resident can purchase his own case. But he also suggests that it would be acceptable for the new resident to purchase his own complete mezuzot and affix them to the doorposts of his new home.

Thus, though the halakhic authorities want the mezuzot left for the next resident, it is possible to find ways for the person leaving the house to take his mezuzot with him if the new resident puts his up immediately so that we do not have to worry about the Talmud's concern, if in fact we should.

If the mezuzah represents an amulet frightening away evil spirits, then we must be concerned about this issue. Rabbi Louis Jacobs⁵ points out that modern Biblical scholars have indeed seen it as a prophylactic to ward off the demonic powers. Franz Landsberger⁶ writes that “the apotropaic intent of safeguarding the inhabitants of the house by barring the entrance against evil spirits became associated with the mezuzah in Talmudic times.” He also points out that “during the Middle Ages, with their mystic tendencies, this conception came to be held with growing intensity.” Maimonides, however, sees the mezuzah (Mishneh Torah, Hilkhot Mezuzah 6:13) as an opportunity

וכל זמן שיכנס ויצא יפגע ביהוד השם שמו של הקדוש ברוך הוא ויזכור אהבתו ויעור
משנתו ושגיותו בהבלי הזמן.

to recognize that every time he enters or leaves his house he will encounter
the name of God, be reminded of His love, and turn from the vanities of this
world to choose the righteous path.

Perhaps it is worthwhile, therefore, to examine the reasons behind the law. The Talmud in Bava Metzia seems to suggest that the mezuzah should be seen as warding off evil spirits. While the mezuzah parchment on its outside does bear the word “Shaddai,” not only representing God's name but “Shomer Daltot Yisrael,” “He who protects the doors of Israel,” should we promote this concern about evil spirits? I believe we would be more comfortable with Maimonides' concept that the mezuzah is a constant reminder of God's presence in the house than exhibit concern for ridding the house of mazikin.

In fact, J. D. Eisenstein in Otzar Dinim u'Minhagim⁷ suggests that a rationale behind the mezuzah is to identify the fact that in that house lives a Jewish person. It is a sign of Jewish identity. This is also mentioned by Israel Meir Kagan, the Hafetz Hayim, in his book Sefer HaMitzvot HaKatzar, Mitzvat Aseh #12.⁸ I think most of our community would agree with this statement.

³Menashe Klein, משנה הלכות, (1977).

⁴Moshe Zvi Landau, ספר מזוזה מלכים, (Williamsburg, New York, 1991).

⁵Louis Jacobs, *The Jewish Religion—A Companion* (New York: Oxford University Press, 1995), p. 344.

⁶Franz Landsberger, “The Origin of the Decorated Mezuzah” *Hebrew Union College Annual* 31 (1960): 153.

⁷J.D. Eisenstein, אוצר דינים ומנהגים, (Tel Aviv, 1970) p. 215.

⁸Israel Meir Kagan, ספר מצוות הקצר, (Jerusalem, 1990).

That being the case, I would suggest that the main issue when it comes to moving out of a house or an apartment is the front door of the domicile as individuals both outside the dwelling and entering therein recognize the Jewishness of the inhabitants and the Divine Presence within the dwelling. Therefore, we can respond to the concerns of the Talmud, the Rambam, Eisenstein and the Hafetz Hayim by making sure that the front door of the dwelling is never without a mezuzah if the next dweller is a Jew and that can be accomplished by any of the methods mentioned above. When that person moves in, then all the other mezuzot can be affixed on the remaining doorposts of the home.

These cases apply when the current resident knows that the next resident will be a Jew. What happens if his home is handed over to a realtor or a rental agent and he is not sure who will follow him into the house? Rabbi Moshe Zvi Landau (*Sefer Mezuzot Melakhim* 11:22) suggests that the current resident take the mezuzot with him since they may not be accorded the proper respect. Avraham Amsalom⁹ states that if one lives in a city where the majority are non-Jews, he should take the mezuzot with him since the next person to occupy the place will most likely be a non-Jew and the mezuzot may, therefore, not be accorded proper respect.

Should a non-Jew request that the mezuzot be left on the doorposts, Rabbi Moshe Isserles in his comment on *Yoreh Deah* 291 believes that this would be permissible since there might be discord caused (*mishum eiva*) if the Jew takes the mezuzah. The *Birkei Yosef* agrees with this position as well:

דידוע ששהוכר עכרים אינו לנהוג בה בזיון יש להתיר.

When it is known that the non-Jew will not abuse it, it is permissible to leave the mezuzah for him.

Rabbi Hayim Halevy Donin,¹⁰ however, suggests that a non-Jew may not treat the mezuzah as a sacred object and may possibly remove it or desecrate it. Therefore, it is his opinion that the mezuzah should definitely be removed if a non-Jew is moving in to the premises. He does state that if the non-Jew is only interested in the case as a decorative piece then “it may be left on as long as the sacred parchment scroll is removed.”

Summary

Halakhic sources based on *Bava Metzia* 101b-102a make it quite clear that if one Jew follows another in a dwelling the mezuzot should be left for the new occupant. However, because of the expense and sentimental value various opinions have been offered allowing the person who leaves to keep his own mezuzot.

Since most of the members of our communities see the mezuzah as a positive sign of Jewish identity and not an instrument to ward off evil spirits, the major concern is the front door of the dwelling. The mezuzah should be left on that front door for the new Jewish occupant but arrangements can be made for the person leaving the residence to take the mezuzah with him following the opinions of the authorities quoted.

If a non-Jew is the next occupant, or is expected to be, the mezuzah should be removed to ensure that it will be subject to proper respect.

⁹Avraham Amsalom, *מזוזה כהלכתה*, (Jerusalem, 1999), p.102.

¹⁰Hayim Halevy Donin, *To Be A Jew* (New York: Basic Books, 1972), p.153.

Conclusion

It is incumbent upon a Jew to place mezuzot on the doorposts of a home whether it is rented or owned. Should he move and another Jew move in the mezuzah must be left on the doorpost of the front door unless proper arrangements have been made for the next occupant to immediately place another mezuzah there.

Should the person moving out wish to keep the mezuzah case or parchment because of expense or sentimental value, arrangements can be made to substitute other parchment or cases in their places, provided that the new mezuzah fulfills the requirements of Jewish law.

Should a non-Jew move in to the premises or if it is unsure who will move in and the home is in a neighborhood where most of the neighbors are not Jewish, he should take the mezuzah with him. If the non-Jew wishes it to remain, arrangements can be made provided proper respect is assured.