

# HALOCHOSCOPE TOI PE

Are nails or tape used to affix a *Mezuza* to a doorpost considered *Shaimos*, holy items that may not be discarded but must be disposed of in *Geniza*, special storage? If a nail falls out on Shabbos, may it, or must it be picked up off the floor?

The issues:

- (A) How a *Mezuza* should be attached
  - (B) What is considered *Shaimos*? Its disposal
  - (C) Moving *Muktza Shaimos* to safety
- (A) *Attaching a Mezuza*

The Mitzvah of *Mezuza* involves affixing a parchment scroll to one's doorposts. The scroll, handwritten according to certain specifications and containing the first two Parshiyos, paragraphs, of *Shema*, is then rolled up and put into a tube. Nowadays, it is common to use an ornamental case for it. The case is then affixed to the doorpost.

According to the Talmud, it may be placed in a hollow in the doorpost or affixed to the post inside a tube. [If the tube is cemented to a stone doorpost, it is presumably the same as hollowing out the doorpost itself.] The ideal way to affix the tube is with nails. The Poskim debate affixing it using other forms of adhesion, including glue or tape.

The terminology used by the Poskim is to affix it with nails, or cement, or to hollow out the doorpost. The reasons for this seem to be, first to affix it well so that it can not fall. And, to attach it in a way that it becomes part of the doorpost. The Poskim point out, based on a passage in the Talmud *Yerushalmi*, that the *Mezuza* must be secured in its place. Thus, even if one places it in a hollow in the doorpost, it must fit snugly, and if it does not, it must be padded with stuffing. This is indicated in the wording of the *Brocha*, *Likboa Mezuza*, which means to affix. Affixing could mean to fix it securely in its place. It could also mean to attach it. In any event, it may not be hung on one nail, even if the single nail is somehow in the middle of the *Mezuza* case (without going through the parchment) and certainly if it is at the top, leaving the bottom hanging.

Assuming that the *Mezuza* must become attached to the doorpost, nails and

cement are essential. They are used to make an attachment to the structure. Tape or glue might not be acceptable. If it must be secured, glue or tape can do the same as a nail. Some Poskim, however, maintain that even if it must become a part of the doorpost, glue may be considered sufficient to attach it.

Most Poskim conclude that nails are definitely preferable for the Mitzvah. Some say that using nails is considered *Mitzvah Min Hamuvchar*, fulfilling the Mitzvah in the best way. However, on surfaces where nails or cement are not effective, such as a metallic door frame, glue or tape are acceptable, and a Brocha may be recited when affixing it like this. [See Menachos 32b-34a, Baba Metzia 101b-102a, Yerushalmi Megillah 4:12, Poskim. Rambam, Mezuzah 5:6. Tur, Shulchan Aruch 189:1 2 4 6, (Shach 7, Pischei Teshuva 6) Chovas Hadar 9:8. Yeshuas Moshe 3:88. Miyam Hahalacha 15.]

### **(B) Disposal of Shaimos**

There are basically two types of sacred items that must be given special treatment. Items that have intrinsic *Kedusha*, sanctity, and items used to service them directly and indirectly are included in two Mitzvos. Their uses, treatment and disposal are restricted, sometimes Scripturally and sometimes Rabbinically. One Mitzvah is the negative Mitzvah *Lo Saasun Kain*, do not do thus [destroy *Avoda Zara* etc.] to Hashem. This forbids erasing the Name of Hashem or destroying a Mezuzah, including disposing of it in the garbage, even if it is no longer viable. Instead, it is either buried at the head of a deceased Torah scholar, or put in *Genizah*, locked away in storage. The second Mitzvah is the positive *Umikdashi Tira'u*, to revere holy things. This restricts the other uses of such items, and governs where and how they are used and stored. Under this Mitzvah, one may not leave such items on the floor.

*Tashmishei Kedusha*, items used to service the Mitzvah directly, such as a Torah mantle, must also be disposed of in this way. These Mitzvos restrict the uses of these items, even for other holy uses. The rule is that an item may be used for a holier use but not for a less holy use. *Tashmish Detashmish*, things used indirectly to service *Kedusha Atzma*, such as the curtains on the *Aron Hakodesh*, are the subject of debate. Some Poskim maintain that they are not considered holy at all, some consider them on a low level of holiness, and some maintain that they may be used for lower level uses, but not for mundane uses.

Items used in the performance of a Mitzvah, specifically, those required for the Mitzvah itself, are governed by another Mitzvah, learned from the Mitzvah to

cover the blood of slaughtered fowl or undomesticated animals. This is *Bizuy Mitzvah*, the restriction on disrespectful use of a *Tashmish Mitzvah*. While the item is in use, or at any time that it is still viable, one may not use it for any mundane use. When it is no longer viable, it may be disposed of in a respectful way. Thus if it is put into the garbage, it is wrapped so that it is not soiled by the other items in there.

The Mezuzah has *Kedusha Atzma*. The case has a few purposes. All scrolls or holy books must be wrapped or bound as a mark of respect. The Mezuzah may not be mutilated while it is affixed, so the case protects it. It facilitates the placing of the Mezuzah upright and holds it fast to the doorpost. It is also a means of beautifying the Mitzvah. Thus, it is a *Tashmish Kedusha*.

The doorpost is not considered holy in any way. The issue at hand is the *Kedusha* of the nails. They are indeed an intrinsic part of the Mitzvah. They are used to affix the Mezuzah, which is the performance of a Mitzvah. Thus, they may be considered *Tashmish Mitzvah*. They also serve, at least, the case, deeming them *Tashmish Detashmish Kedusha*. The issue is, since they are absolutely necessary, either to secure the Mezuzah, or to affix it to the doorpost, do they become *Tashmish Mitzvah* as well? If they are to make the Mezuzah a part of the doorpost, they are merely a medium used for the connection. They would be considered somewhat on the level of the doorpost, which has no *Kedusha* in its own right. If their purpose is to secure the Mezuzah, one could argue that they are really securing the case, and only indirectly serving the Mezuzah itself. Some Poskim consider the nails *Tashmish Detashmish* or *Tashmish Mitzvah*, permitting their disposal when no longer viable, or even their relegation to mundane uses when they are no longer used for the Mitzvah. Nonetheless, since an argument can be made to consider them somewhat more than this, they should be treated respectfully. [See references to *Halochosef* II:4 7 III:1 IV:8 V:17. Chovas Hadar 9:note 43.]

### **(C) Muktzah of holy items**

The Talmud discusses suspending Rabbinical restrictions of Shabbos to protect holy items. One may remove holy items from one domain to another on Shabbos to save them from a fire. If one finds Tefilin in a field on Shabbos, lying in a state of disrespect, he may bring them into town by wearing them. Similarly, if one is in a private domain, studying from a scroll which unrolls and lands in a public domain he may roll it back towards him. *Tefilin*, which are not worn on Shabbos are considered *Muktzah*. Nonetheless, one may move them if he is concerned that they might fall down. This might be due to the added disgrace of their falling down, but

might not permit them to be picked up once they have fallen to the floor. However, a Posek permits picking up a Mezuzah that fell down, based on this rule (though he recommends reading from it after picking it up). Basically, for the sake of protecting holy items from *Bizayon*, disgrace, Rabbinical ordinances such as *Muktza* are suspended.

The same Posek discusses picking up fallen *Ushpizin* and *Noy Sukah*, Sukah decorations, which have *Pesukim* written on them. Regular *Noy Sukah* are considered *Muktza Lemitzvasan*, one has consciously put them out of his mind for any other uses. This Posek prefers a child of three or four picking them up, but permits an adult to do so indirectly, through *Tiltul Min Hatzad*, moving it by moving another item. However, there is an indication in the ruling of other Poskim that even in such cases one should not move the item. The Poskim discuss the permissibility of engraving a *Passuk* on a gourd and hanging in the Sukah. Since it might come to *Bizayon*, i.e., fall down, one may not do it. This implies that once it falls down it may not be picked up. One could argue that even letting it possibly fall is forbidden. [See Shabbos 43b 115a-117b, Eruvin 95a-98a, Poskim. Tur Sh. Ar. O.C. 31:1 301:42-43 308:4 13 309 311:8 352 638:2, commentaries. Piskei Hilchos Shabbos III Teshuvos Debreciner 32-33.]

The fallen nail in our question is now *Muktza*. It has no use on Shabbos, and if it is now useless, is like a broken vessel. It may not be moved, under normal circumstances. It is also on the level of *Tashmishei Mitzvah* or *Tashmish Detashmish Kedusha*. It might be on the level of *Tashmish Kedusha* itself. If it is still viable it is on a higher level of *Kedusha* than if it is now useless. It is also on a different level of *Muktza*. If it is useless its *Muktza* is worse than if it is still useful as a nail, which could be considered a *Kli*, utensil. This might not permit moving it according to the aforementioned rulings. However, leaving it on the floor does expose it to *Bizayon*. [If it is a hazard to three or more people, it may be moved anyhow.] *Tiltul Begufo*, using parts of the body other than hands, is a low level form of moving *Muktza*. It is permitted under certain circumstances. This would mean that one might be allowed to kick the nail to a more discreet place, though still leaving it on the floor. However, kicking it is a disrespectful way to move it. Therefore, one should move it with his elbows or the like, respectfully. If it is possible to move it like this off the floor, this is preferable.