

# HALOCHOSCOPE <sup>TOI</sup>

Two rooms were combined to make one large room, by removing the dividing wall. However, the house was not built to support itself without this wall. Therefore, a small part of the wall, at the edges and ceiling, was left in place. This now resembles a large doorway. Does this require a Mezuzah? If molding was added around this "frame" does the *Halacha* change?

The issues:

(A) What are the conditions that require a Mezuzah?

(B) What is a Tzurah Hapesach?

(C) What is Lechizuk Tikra?

(A) *The conditions that require a Mezuzah*

The Torah says that a *Mezuzah* must be affixed "on the door-posts of your house and in your gateways." We see that there are four basic qualifications for the requirement of a *Mezuzah*, that there be door-posts, that there be a house, that it should be "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 to be lived in. This is determined to be four by four cubits. It must also be made for human dwelling. This, in turn, is the reason that it must have a roof over it. This also exempts a *Bais Kneses*, shul, or the *Bais Hamikdash*. This also excludes a temporary dwelling and a structure that is not used for respectable uses, such as a lavatory.

The fact that it must have door-posts also means that there must be a lintel across the top of the door-posts. The door-posts are assumed to always be part of a door-frame. The Talmud debates the requirement of two door-posts, as opposed to one door-post to which the *Mezuzah* is affixed. Accordingly, some Poskim require two door-posts. Others maintain that if there is one door-post on the right side of the entrance a *Mezuzah* is required. A normal door-frame is also ten *Tefachim*, hand-widths, high.

The requirement that it be yours means that if it is not used by people, either for their personal dwelling or their storage, it is exempt. It is not considered "yours". This exempts a stable or a barn. There is evidence that a barn that could be lived in by humans should require a *Mezuzah*. However, since the cattle

relieve themselves there it is not considered a respectable structure.

The requirement for gateways is taken literally by some Poskim, meaning that it must have a gate or a door. Others maintain that a door is not required as a condition for the obligation. However, it is used to determine the function of the entrance, which in turn determines how the Mezuzah is affixed. The term gateway still teaches us some 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. However, some Poskim use the obligation on courtyard gates as proof that a roof is not required. [See Yuma 10a-12a Menachos 33a-34a, Poskim. Rambam, Mezuzah 6: esp. 1 (Kiryas Sefer). Tur, Shulchan Aruch Yoreh Deah 286, commentaries.]

### *(B) Tzurah Hapesach*

To determine which doorways require a Mezuzah the term *Tzurah Hapesach* is used. This term means that the shape and form of the entrance must resemble a doorway. This means that there is a minimum of a four Tefachim wide and ten Tefachim high "doorway". To be considered a nominal doorway there must be two vertical door-posts and a horizontal lintel over the top of them. They may be very frail, the vertical "posts" being strong enough to hold a straw door up. The horizontal "lintel" need not even be that strong, but may be of very fine string.

In Talmudic terms *Tzurah Pesach* can mean one of two things. Usually, it denotes a partition. Partitions can be made to seclude an area from the surrounding area. This would by necessity be solid. They can also be made to divide two areas. For example, on Shabbos, one may not carry in the public domain. To enclose an area to deem it private, partitions are erected. Some explain how such a frail structure can serve as a partition. Walls often must have a doorway, or entrance to go through them. If so, though there might be a minimum size to be considered a doorway, both in height and in width, there is no maximum. Accordingly, as long as the wall still retains its outer extremes, it exists.

The second use of the term is to determine whether an opening is a doorway or a breach. The common applications of this use 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 *Tzurah 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 doorway. Many Poskim derive this from the use of the Torah term *Mezuzah*, meaning door-post. The Torah does not require the scroll for an opening, but for a door-post. Furthermore, when describing the blood on the door-posts in Egypt, the Torah describes a Mezuzah as going hand in hand with a lintel. Therefore, the presence of door-posts and a lintel, and according to some a door as well, are essential to the obligation.

One of the requirements, based on a Talmudic passage and mentioned by some Poskim, for a doorway is that the sides and top are even. If it is jagged, with protrusions, it does not look like a doorway, but a breach in the wall. Some exclude this type of doorway because the jutting pieces disqualify the "posts" and "lintel".

Another requirement is the subject of Talmudic debate, and is further debated by the Poskim. The Talmud debates whether two door-posts are required. According to the opinion requiring only one door-post, the Talmud says it must be on the right. The term used by the Talmud is *Petzim*. In its normal use this word refers to actual door-posts. That is, the frame around the door. In the context of the Talmud's discussion of Mezuzah, some Poskim maintain that it refers to the sides of the doorway, even if they are part of the main structure of the wall. The Talmud raises the issue of a structure that does not seem to have *Petzimin*. It then says that the sides of the doorway are the *Petzimin*. This passage has a number of interpretations. One is that the doorway is diagonally across the two walls in a corner. One way to explain the problem is that the sides of the walls are not parallel to the doorway. The answer is that they are nonetheless alongside it. The same is true of the lintel. Another interpretation is that the actual *Petzimin* frames are unusual, since they do not face each other. The answer is that this does not matter. A second interpretation of the passage is that the entire length of one wall is missing. The open side is a doorway, but has no *Petzimin*. One view is that this means that the walls are perpendicular to the doorway. According to this interpretation, as long as there is a small length of parallel wall, there would be no problem. The answer is that even perpendicular walls count as *Petzimin*. A second way to explain it is that there are no door-posts. According to this explanation, if the walls parallel to the doorway continued along, but there were no posts around the doorway, it would be exempt. In its answer, the Talmud only requires the Mezuzah here because the wall is perpendicular. It can thus be considered a frame around the doorway.

The difference between the two views on whether a frame is required, applies to a case where the wall continues parallel on the right side, but the left is open all the way to the next perpendicular wall. Those who consider wall a *Petzim* would re-

quire a Mezuzah. The other view would exempt it, unless there was a post. They would hold the opposite views if the right side was open instead. In our case, we will just point out that the absence of a frame certainly reduces the chances of the obligation of Mezuzah. Molding, however, might be sufficient to be considered a frame according to those who do not require a door. It is not a Petzimin, door-post on which to hang a door, but is a separate piece to resemble a doorway. [See Menachos 33b 34a, Poskim. Tur, Bais Yosef, Sh. Ar. Y.D. 287:1-2, (Ar. Hash.) commentaries.]

### (C) *Chizuk Tikra*

If the posts and/or lintel do not serve as a doorway but to support the roof, the structure is exempt from Mezuzah. This is based on two sources in the Talmud. One is the area under a watchtower, held up by poles. The space between the poles looks like a doorway, but the poles are really only to support the roof. A second case is an *Achsadra*, a shelter. Even if it is enclosed on three sides, the fourth side is open. The presence of posts and a beam on the fourth side is to hold up the roof. If there is a small piece of wall on the fourth side, a Mezuzah is required. The question is why would we not say that the ends of the perpendicular walls are the Petzimin.

The answer that serves our purposes is that a shelter is not made for its walls, but for its roof. It is ideally open, with no need for doorways. Therefore, the walls can not be considered Petzimin. A house is made out of walls as well as a roof. Its walls can be considered the Petzimin of its doorways.

Based on this, we have a new way to determine whether a Tzurah Pesach requires Mezuzah. One must judge why the Tzurah Pesach was made. If it was made to divide the two areas, such as dividing a large room in two, it requires Mezuzah. If it was made to shore up the ceiling, but the rooms are clearly used as one large room, there is no need for Mezuzah. Even the molding around the frame, added for aesthetics, does not change the purpose of the sides. In addition, this Tzurah Pesach has neither a door nor a door-frame. Nor does the molding necessarily count as Petzimin. [See Yuma 11a Menachos 33b, Poskim. Tur, (commentaries) Sh. Ar. Y.D. 286:6, commentaries. Minchas Yitzchok VII:43:3, Machaze Eliyahu 108.] In conclusion, this space does not require a Mezuzah.