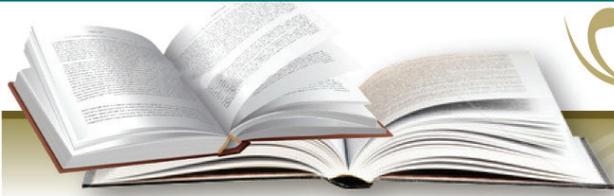


TORAH & HORAHAH



Noach 5778

380

Dear Reader,

In this week's parashah, Parashas Noach, we learn of the terrible power of human creation, and of the great tragedy of this power being used for the bad. We learn this from the Generation of the Dispersion.

The Torah describes the Generation of the Dispersion as a generation of building and creation, a generation that sought to create a city and a tower, and to make a name for itself. The end of the generation is known: The people were scattered across the world, their power neutralized by their dispersion.

From the punishment meted out to the generation, we can derive that the primary flaw of the people was in the power of speech.

This week's article discusses the obligation to check one's mezuzos. Every how often must the mezuzah be checked? To which extent does the obligation depend on weather conditions? Must a new beracha be recited upon returning the mezuzah to the doorpost after checking? Must the mezuzah be replaced in the interim? These questions, and others, are discussed in this week's article.

This week's Q & A addresses the question of finding money in a yeshiva.

Checking Mezuzos

The beginning of the rainy season—please G-d it should be so—gives us an opportunity to discuss the laws of *mezuzah*, and specifically the laws of checking one's *mezuzos*.

The basic obligation to check one's *mezuzah* derives from weather-related factors. As we see, given conditions including rain, humidity, and sun, there is a certainly possibility that a *mezuzah* will become invalid over time. Due to this concern, and given the fact that even a small smudge can render a *mezuzah* invalid, there is an obligation to check *mezuzos* regularly.

In the present article we will discuss the obligation to check one's *mezuzos*. How often must the *mezuzah* be checked? To what extent does the obligation depend on weather conditions? Must a new beracha be recited upon returning the *mezuzah* to the doorpost after checking? Must the *mezuzah* be replaced in the interim? These questions, and others, are discussed below.

The Obligation to Check

Based on the Gemara (*Yoma* 11a), the *Shulchan Aruch* (*Yoreh De'ah* 291:1) rules that a private *mezuzah* must be checked



After Hashem blew the breath of life within man, Onkelos translates that he became a ruach memalela – a ‘speaking spirit.’ The capacity of speech is the essence of human power.

Given the power of speech, man is charged with the mission of returning his speech to his Creator, directing it upwards in praise, thanks, and prayer for needs.

The power of speech is the power of forging a relationship with Hashem, and of seeing that relationship in all parts of life: For all of our experiences and pleasures, we recite a blessing to Hashem. By means of speech He is with us always.

The Generation of the Dispersion took the power of speech, and misused it for the opposite purpose. Rather than turn to Hashem in prayer, they turned to Hashem in war; rather than ask for their needs, they deemed themselves, self-sufficient, desiring only to “make a name

twice every seven years. It is therefore proper practice to check the mezuzah approximately once in three-and-a-half years. The custom in Frankfurt was to check the *mezuzos* every Adar Sheini of a leap year, which falls seven times every 19 years, to ensure the fulfillment of the obligation.

The *Mateh Efraim* (581:10) and *Kitzur Shulchan Aruch* (128:3) add that those who are meticulous check their mezuzah once a year, in the month of Elul.

So as not to burden the public (which would discourage people from taking responsibility), for a public building Chazal lowered the bar, and obligated checking the *mezuzah* only twice in fifty years. This, too, is ruled by the *Shulchan Aruch*. This halacha refers to a fully public building (belonging to the state or the city), and not to a mere partnership (*Pischei Teshuva* 3, citing *Chasam Sofer* 283).

The obligation to check one’s mezuzah applies to all of one’s *mezuzos*. The *Pischei Teshuvah* (1) writes explicitly that unlike other cases of checking (such as for certain types of infestation in foods), in checking *mezuzos* one cannot rely on a sample of one’s *mezuzos* (checking three and thus assuming that the others are also fine). Rather one must check all the *mezuzos* in the home.

While most Poskim assume that the halachos above apply even to *mezuzos* of today, some authorities state that if a *mezuzah* is kept in a glass tube or wrapped very well with plastic wrap, as many do today, and there is no reason to fear that the *mezuzah* was stolen, and is not exposed to the elements and does not even touch the wall, the requirement to check regularly no longer applies (see *Shulchan Gavoah, Yoreh De’ah* 291:1; *Halichos Shlomo* 1:4; *Devar Halachah* 52).

By contrast, where the *mezuzah* is exposed to extreme weather conditions, such as exposure to rain, to sprinklers, to direct sunlight, and so on, one must check the *mezuzah* more often than the mandatory twice in seven years (*Aruch Hashulchan* 291:1). This also applies if the doorposts are painted and the *mezuzos* were not removed (see *Shut Iggros Moshe, Yoreh De’ah* 1:183 who states that one must remove *mezuzos* prior to painting).

Finally, *Teshuvos Maharil* (94) writes that in case of misfortune (for an individual or his family), it is proper for a person to check his *mezuzos*.

Taking Down a Mezuzah

Of course, in order to check a *mezuzah* it needs to be taken down, and later replaced after checking. For a time, the doorpost is left without a *mezuzah* on it. Does one need to ensure that he has another *mezuzah* to place on the doorpost while the *mezuzah* is being checked? And is a new *beracha* recited upon replacing the *mezuzah*?

Checking the *mezuzah* does not necessarily entail a lengthy procedure. The *Chasam Sofer* (as cited by the *Pischei Teshuvah*, *loc. cit.*) states that the obligation to check *mezuzos* does not require an expert. Even somebody not expert in writing *mezuzos* is qualified to check them. The reason for this is that a *mezuzah* that becomes invalid generally has telltale signs: smudged ink, wet parchment, stains, and the like. However, it is not sufficient to merely scan the *mezuzah*. Rather each word—and each letter, in fact—must be carefully checked.

If a person only takes down a *mezuzah* for a short period, to check it and then replace it on the doorpost, he does not have to place a different *mezuzah* on the doorpost in the interim (*Da'as Kedoshim* 291:1; *Emek Beracha*, *Mezuzah* 11).

Likewise, upon re-placing the (same) *mezuzah* on the doorpost, no *beracha* is recited. Although the *Pischei Teshuva* (289:1) notes a doubt concerning this matter, he compares it to taking off one's *tallis* and then putting it back on (though he suggests a distinction), so that for the Ashkenazi community no new *beracha* is recited. This is also the agreement of most Poskim.

Longer Procedures

While the process of checking a *mezuzah* can be short, it is certainly recommended to take *mezuzos* for checking to an expert, which can take a day, or even several days in some cases. What should be done then concerning keeping a *mezuzah* on the doorpost, and concerning reciting a *beracha*?

The *beracha* question is the easier of the two issues.

When a *mezuzah* is removed for a significant time—certainly if removed overnight, and even if only for several hours—a new *beracha* is recited when it is re-placed. This is in keeping with the comparison, as noted above, with taking off one's *tallis*: even if a person intends to put the *tallis* back on, if taken off for several hours a new *beracha* is required.

for themselves.”

Fittingly, they lost the gift of Lashon Ha-Kodesh. Created in the form of the Divine, man, just like Hashem, is able to create worlds with his speech. The power of creation, however, is limited to the Holy Tongue, the very letters that Hashem used in the act of creation.

After their sin, the people of the Dispersion were no longer worthy of the power. Their speech was relegated to the level of foreign languages.

The lesson for us is that our power of human creation must be channeled in our speech – in any speech, but in particular in the power of the Holy Tongue, with which we are able to create worlds with our Torah and Tefillah.

Our prayer is that we should indeed merit to avoid any negative speech, and that our speech should be directed solely for the sake of positive construction, in Torah, prayer, and good deeds.

Of course, if the existing *mezuzah* found to be disqualified, and a new *mezuzah* is needed, a beracha is recited over the new *mezuzah* even if it is placed immediately. A new *mezuzah* requires a new beracha. The same applies to a disqualified *mezuzah* that was fixed, which is also considered a new *mezuzah*.

The problem of leaving one's doorpost without a *mezuzah* is thornier.

Temporary Solutions

A home should not be left without a *mezuzah* overnight. When a *mezuzah* is taken down for checking for a significant period of time, the mitzvah of *mezuzah* obligates a person to find an interim solution.

In fact, the *Pri Megadim* (cited in *Pischei Teshuvah, Yoreh De'ah 285:1*) states that it is forbidden to remain in a house or room without a *mezuzah*. If there is no *mezuzah* on the door, even temporarily, one must leave the room or house.

In order to remedy the problem, one should buy or borrow a *mezuzah* to replace the *mezuzah* being checked. As in the case of a new *mezuzah*, Rav Chaim Kanievsky has written that a beracha must be recited when affixing even the temporary *mezuzah* on the doorpost (*Mezuzos Beisecha 289:6*; see also *Kuntres HaMezuzah 289:6*). However, others rule that for a temporary *mezuzah* no beracha should be recited (see *Ohalei Yeshurun*, p. 22, citing Rav Moshe Feinstein).

An alternative, where hanging a spare *mezuzah* is not practical, is to renounce ownership of one's home while the *mezuzos* are being checked. The idea of this is that a home is only obligated in *mezuzah* if it belongs to a Jew. If ownership is renounced by making it *hefker*, it follows that the house is not halachically

owned by its Jewish owner, and therefore not obligated in *mezuzah*. One must realize that by doing so he runs some risk that someone may actually take possession of his house and *beis din* would rule that the other person is the true legal owner.

This creative idea is suggested by several halachic authorities (see *Mikdash Me'at 285:3*; *Mezuzos Melachim 285:19*) in situations where there was no other solution since the *mezuzah* fell off on Shabbos or it was noticed that it had been placed incorrectly only a few minutes before Shabbos, and follows a number of other halachic fields where the *hefker* solution is raised, such as for *tzitzis* (see *Mishnah Berurah 13:15* based on the Gemoro in *Shabbos 131 b*). For instance, *Sefer Tevilas Keilim* (p. 84) cites Rav Shlomo Zalman Auerbach that in extenuating circumstances a person who needs to use utensils that have not been immersed can renounce ownership of them, and then use them without prior immersion.

The *hefker* solution should be relied upon only in special circumstances (taking the *mezuzos* down for a short time, or finding replacements), since some authorities find it problematic. One argument is that this *hefker* is entirely insincere since the person continues to live in the house. Another point is that the *hefker* cannot work, since the house remains legally in the person's full ownership.

Somebody who does resort to the solution should renounce ownership in front of three adults (See *Rema, Choshen Mishpat 273:5*; see also *Sema 273:11*, and *Mishnah Berurah 246:15*). Before replacing the *mezuzos*, the person should perform an act that will enable him to once again become the owner of the house, such as opening and locking the door, since otherwise he may be making a *brocho levatolo*.

Conclusion

One should be very careful in the mitzvah of *mezuzah*, and should be careful to check *mezuzos* regularly—certainly for *mezuzos* in any way exposed to the elements. The *Birur Halacha*, for instance, takes issue with people who were lax concerning the obligation to check *mezuzos*, and cites a number of sources condemning those who do not fulfill the obligation.

Some people are wary of leaving homes without the protection of the *mezuzah*, even for a short period of time. Yet, it is certainly more important

to ensure that our *mezuzos* remain valid. As noted, a person can first check on his own, if he has the ability and the patience to read through the text carefully and meticulously—and provided the *mezuzah* was valid when first affixed on the doorpost (i.e. certified valid by a trustworthy authority).

Of course, if a person checking his own *mezuzos* comes across a potential problem, he should consult with an expert *sofer* to ensure that the *mezuzah* is fixed, if needed, before replacing it on the doorpost.

Halachic Responsa

to Questions that have been asked on our website dinonline.org



The Question:

I found money in a yeshiva. It was a single bill, which I understand does not have a siman. Is it “better” to announce it? I am discussing a case in which I will believe the boy who comes forward and say “it was a fifty shekel bill.” That is what I would want done for me, but in the other hand, there is no way of recognizing (*tevius ayin*) the bill, and this could be a guess— perhaps even if I would believe him, this would not be better to do? On what basis am I giving it to him? Please provide sources.



Answer:

If the person in the yeshiva is going to say it is his and that he recognizes it, then there is strong ground to give it back to him. However, I understand that you are asking when there is no chance of recognition (for instance, the note is new), and in this case there is no need to return it, even if it was found in a yeshiva. If there is a possibility of recognition, then in a yeshiva it should be announced.

Even you don't have to return it, it is still a commendable thing to do “lifnim meshuras hadin”. The Shulchan Aruch Harav (Hilchos Metziah 18) explains that it is commendable to return it (if the person shows that it is very probable that it is indeed his). Although the money belongs to the finder,



Sources:

See Choshen Mishpat 262-21, and Sema 41. It is controversial if people in a yeshiva are automatically considered a talmid chacham regarding returning their lost item based on recognition (*tevius ayin*). R. Nissim Karelitz shlit”a (cited in *Hashovas Aveida Kehalacha* 4 fnt. 24) says they are considered talmidei chachamim for this purpose, but Rav Moshe Feinstein zt”l (Teshuva 16 at the end of *Hashovas Aveida Kehalacha*) ruled that learning in a yeshiva does not render a person automatically a talmid chacham for this purpose. See *Hashavas Aveida Kehalacha* 5-5 fnt. 21.