

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

By: Rav Moshe Taragin

Affixing a Mezuzah to the Door of a Bathroom

The gemara in Yoma (11a) cites a machloket between Rav Kahana and Rav Yehuda regarding the obligation to affix a mezuzah upon storage sheds and animal corrals. In the midst of this discussion an independent issue is raised: the prohibition of placing a mezuzah on the doorpost of a room which will be used for unappetizing or immodest functions (bathrooms, tanneries etc.). This article will explore the concept of not placing a mezuzah in these places.

The gemara cites the example of a barn which doubles as a changing room. Since people will be washing and exposing their bodies in that space, no mezuzah should be placed upon the doorpost. The gemara offers no explanation for this halakha. The Rishonim, however, provide the reason: it is inappropriate and demeaning for the mezuzah to be in the proximity of undressed people (see, for example, the words of the Ritva 11a s.v. Mai). Rashi employs a similar language with one subtle but possibly important difference. He writes "that it would be an insult to shamayim (literally Heaven) if a mezuzah would be placed on this doorpost. The Shulchan Arukh (YD 286) presents Rashi's version of this halakha. Why does Rashi utilize an abstract concept rather than a more tangible and clear one? He should have written, as did the Ritva, that placing a mezuzah in this location is an insult to the actual MEZUZA. Might Rashi have understood this halakha in a slightly different manner by stating that such activity comprises an affront to SHAMAYIM?

The Ritva's view of this law is quite understandable: any written text of the Torah cannot be in the proximity (4 amot) of undressed people. This halakha applies to sefer Torah, tefillin and mezuzah just as it applies to any part of Scripture written on a parchment. Not only is this forbidden but it is

also a defilement of the said Torah text. Rashi might have explained this halakha slightly differently. After all, a simple solution to the Ritva's problem exists: covering the mezuzah so that the actual parsha is not exposed. Indeed, the concept of placing a "covered mezuzah" in certain sensitive areas was readily suggested by many Rishonim (see Beit Yosef 286) and adopted as a halakhic ruling according to the Rama. Didn't the gemara realize this option?!

According to Rashi, the gemara might have been troubled by a different issue. The doorpost might not be merely the site upon which I must affix a mezuzah. It might also become part of the cheftza of the mitzva (the article of the mitzva). After affixing a mezuzah to the doorpost, the entire door might become an integrated part of the mitzva, since it serves as the backdrop or framework for the mezuzah. Thus, the problem facing the gemara was not the exposure of the mezuzah to undressed individuals within the room. The real problem entailed placing a mezuzah upon a doorpost belonging to this "type" of room. The article of the mitzva must be taken from items of honor and distinction. For example, an item which was once used for avoda zara (such as a lulav) cannot be used for a mitzva even though it is no longer forbidden for general use. The gemara terms this ex-avoda zara "ma'us" or detestable for the use of a mitzva. Similarly, the post used as part of the "article" of the mitzva of mezuzah must be a post from a room which is compatible with practices of modesty. Using the doorpost of such a room for affixing a mezuzah is not just demeaning to the mezuzah - it entails an affront to the actual MITZVA of mezuzah. This might have been Rashi's intention, claiming that placing a mezuzah in such a location commits an indignity to 'shamayim.'

SUMMARY:

We have presented two possible views of the prohibition to place a mezuzah on a room used for bathing. Either it constitutes a slight to the mezuzah or it indicates disdain to the actual mitzva. One possible difference between these two opinions would be the placing of a covered mezuzah in these locations. Here, the cover might protect the actual mezuzah, but the placement is still an affront to the mitzva of mezuzah.

Another possible consequence of this halakha can be seen in the Mordechai (at the end of masekhet Menachot where he collates Hilkhot Mezuzah). He cites an opinion that a mezuzah should not be placed on the doorposts to a town which contains pigs. He actually quotes those who asserted that the source of this law was a Yerushalmi. Had the halakha been understood solely in terms of 'gnai la-mezuzah (an insult to the actual mezuzah text) this example would be troublesome. After all, a person is allowed to open a sefer Torah in the proximity of pigs! Why should mezuzah be any different? Possibly, this halakha must be understood through Rashi's reasoning. Though Scriptural texts are allowed to be seen in the presence of pigs, it might be undignified to use the doorpost of a pig-barn as an integral ingredient in the performance of a mitzva.

A third consequence of Rashi's position might be gathered from the opinion of the Rama regarding this halakha. The gemara cited the 'bathing room' exception in the case of a barn which doubled for this purpose. Most positions assume that the exemption and indeed prohibition to place a mezuzah would even apply to rooms in a "house" used for these purposes. The Rama, however, rules that the bathroom exemption only applies to non-residential structures. (He derives this position from the discussion of the Beit Yosef.) A bathroom in a residential house which is also used as a living room would require a mezuzah. If we maintain that the bathroom exemption is based upon insulting the mezuzah, this position seems highly improbable. A mezuzah scroll cannot be exposed to undressed people whether it takes place in a bathroom of a barn or one which doubles as a residence. Evidently, then, the Rama claimed that the problem arises from insulting the mitzva by using a post from a bathroom. Possibly, he reasoned that a living room which doubles as a bathroom would not be formally defined as a 'bathroom;' only a barn which doubles as a bathroom assumes that definition - such a site might be formally defined as a "bathroom." These formal questions as to how the doorpost is defined are only significant, however, according to Rashi's view that we are concerned with the affront to the mitzva caused by using a

bathroom doorpost. Assuming, as the Ritva, that we are concerned with the indignity to the mezuzah, such formal distinctions would be irrelevant.

A final manifestation of this principle might be seen in the fascinating comments of the Bach (YD 286). Although the gemara clearly obligates the placement of mezuzot upon the gates of a city, many authorities justified the common practice of not placing mezuzot upon these gates. They reasoned that since Gentiles lived within these cities as well, they might misunderstand this mitzva as black magic and justify further persecution of the Jews. A second reason is posited by the Bach: Ultimately, these mezuzot were looted and were abused by their looters. We have no mitzva to affix a mezuzah if it will lead to degradation of the mezuzah. Clearly, the Bach is basing himself upon our gemara: just as we do not place a mezuzah in a bathroom to avoid its desecration, so we do not affix it where it might be plundered. According to Rashi, however, our gemara would not serve as source for the Bach. The bathroom exemption was based upon an inherent problem with the performance of the mitzva. Using such a doorpost would entail an inferior and offensive way of performing the actual mitzva. Affixing a mezuzah, however, to the gates of the city does not entail any inherent offense or slight to the actual mitzva. Rather, it invites future abuse to the MEZUZA proper. Evidently, the Bach understood the halakha as did the Ritva. The mitzva of mezuzah cannot compromise the honor of the enclosed texts. Sometimes these texts will be defiled while on the post and other times they will be desecrated after they are removed. In either case the mitzva is suspended.

METHODOLOGICAL POINTS:

1) Close attention must be paid to the language employed by the Rishonim. A slight difference (even of one word) between Rashi and the Ritva might reflect a broader disagreement pertaining to the essence of the halakha.

2) Rishonim often debate how literally to understand the example supplied by the gemara. When presenting the bathroom exemption the gemara describes a barn. Would the same exemption apply to a living room?

3) A halakha can be gauged by the manner in which it is extended to derive unrelated halakhot. By extending our halakha and justifying the lack of mezuzah in cases of possible abuse, the Bach was making a clear statement about our halakha.