

Have You Ever Wondered...

In the Zechus of a Refuah Shleima of my Rabbeim, Rav Shmuel Kamenetzky shlita, הרב שמואל בן איסא עטיל and
Rav Moshe Heinemann Shlita, הגאון הרב משה בן פיגלא.

Q: We just rented an apartment and were told that we are not מחוייב to affix מזוזות to the doorposts until after 30 days pass. Is that common practice? If yes, can we put them up earlier if we want to?

A: In *Eretz Yisroel*, both an owner and renter must put up *mezuzos* immediately upon moving into a residence. The definition of “moving in” is when you eat your first meal in the new house or sleep your first night (Rav Moshe Heinemann, שליט”א). Someone who rents a dwelling outside *Eretz Yisroel* is exempt from affixing *mezuzos* until the night of day 31 (YD 286:2).

The reason for the *halachic* differences between a renter and an owner, and whether in or out of *Eretz Yisroel*, is not immediately obvious. Since the מצוה of מזוזה does not seem to be on the house, rather, a חובת הדור, why does it make a difference whether one is an owner or renter?

The Gemara in *Menachos* 44a tells us that the reason why a renter in *Eretz Yisroel* must not delay is on account of ישוב ארץ ישראל. There are a plethora of ways to understand this amongst the *meforshim*:

1) The immediate obligation to put up *mezuzos* will discourage one from leaving (Rashi). 2) This enactment was made was to ensure that there be no house in *Eretz Yisroel* without the protection of a *mezuzah* (Sefas Emes). 3) The sheer importance of the land of *Eretz Yisroel* establishes a legal status of permanence in its own accord, a concept that we also find regarding שבת and מעשר (Beis Halevi in *Kuntrus Hekef Gvil*).

On the other hand, in חוץ לארץ the requirement does not begin for some reason until after living there for 30 days.

Rashi explains דשמא יחזור בו, i.e., until 30 days elapsed, one can easily change his mind about the rental. Thus, the house is not really “his” until 30 days are over. תוספות offers two explanations. First, a new arrival is not immediately accepted into the community, and only after 30 days does he begin to be treated as a local resident. Therefore, the first 30 days of residence are considered as “temporary dwelling” and a דירת אראי does not obligate one to affix a *mezuzah*. Alternatively, Tosfos suggests that מדאורייתא only a home owner is required to put up *mezuzos*. The חכמים extended the חיוב to include renters who dwell in a place for more than 30 days.

Based on the above רש”י (and possibly the second פשוט of תוספות – see ערה”ש below), it follows that when a long-term contract is signed which legally obligates the renter for an extended period of time, the חיוב of *mezuzah* would take effect immediately, especially if one makes improvements in the house upon moving in which demonstrate that he is planning to remain there for a long time. R’ Moshe Sternbuch, *shlita* (*Teshuvos V’Hanhagos* 1:644) argues that perhaps today the residence has the status of “sold” to the renter during his rental period since the landlord can not unjustifiably evict a tenant and the חיוב kicks in immediately!

Consequently, the מנהג has developed [see *Aruch Hashulchan* (YD 286:49) and *Igros Moshe* (YD 1:179)] to put up מזוזות as soon as possible and not to wait out the 30 day period, when attainable. The *Chayei Adam* (15:22) and *Aruch Hashulchan* allow a ברכה to be recited at that time.

However, some פוסקים advise that, although the *mezuzah* should be put up as soon as one moves in, to be safe, one should hold off on the *brocha* until the 30-day period is up. Rav Yaakov Bloy, *zt”l*, in

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his *sefer* חובת הדר, writes that at the 31-day mark, it is correct to take down one *mezuzah*, recite the *brocha*, and then be קובע the מזוזה again in its proper place. Rav Moshe Feinstein, *zt"l*, rules that merely being ממשמש בידיו, i.e., placing one's hand on the *mezuzah* or kissing it, is sufficient to make the ברכה.

Rav Moshe Heinemann, *shlita*, recommended strongly that I put up *mezuzos* as soon as possible when I moved into the Kollel apartments (with a signed contract with the Kollel of more than 30 days!) while making the *brocha* at that time as well.

Q: Is there a concern of potential מסירה in working for the IRS?

A: The שאלה here involves a potential issue of מוסר ישראל ביד עכו"ם since the accountants working for the IRS look over individuals' tax returns to see if they were honest or not and whether they need to pay more money or not. The contemporary פוסקים, Rav Moshe Feinstein, *zt"l* (*Igros Moshe* 1:92) as well as Rav Shmuel Wosner, *zt"l* (*Shevet Halevi* 2:18), rule that it is permitted to be an accountant for the IRS since דינא דמלכותא דינא dictates that everybody is obligated to pay taxes. Therefore, you are not requiring this person to pay any more that he would have had to according to הלכה.

One can still ask, this response deals with a situation in which a discrepancy was found and the Jew would now need to make up the difference. However, what about the additional penalty that the government imposes?

Rav Moshe, *zt"l*, addresses this point as well and explains that if you would decline this job, someone else would take this position instead, and the assumption is that this other accountant would also catch this mistake.

Therefore, ultimately this Jewish taxpayer would end

up paying the government either way, and as a result this does not qualify as מסירה. (See also *Teshuvos V'Hanhagos* 3:476 and *Mishnah Halachos* 6:313:2.)

I was sitting with my Rebbi, Rav Yaakov Bloy, *zt"l*, one Friday morning approximately 15 years ago when he received a call from an Israeli prison. The inmate explained that he had a strong desire to sing Shabbos *zemiros* during Shabbos lunch, but was uncomfortable doing so in front of the other prisoners. He therefore asked a *shayla* if it is okay to bring the food back to the cell, which is against prison rules, and eat/sing there by himself. Rav Yankel, *zt"l*, asked him "Aren't you asking for an additional penalty by not following this rule?", to which this felon responded "I'm not worried about being penalized, I'm worried about דינא דמלכותא דינא." Rav Bloy, using his swift Yerushalmi wit and giving me a wink then asked, "So tell me, how did you get into jail in the first place?!"

Q: Do my children's לימודי קודש tests or Chumash worksheets need to be placed in sheimos for גניזה or not?

A: With the advent of copy machines and the constant clutter of papers floating around with Torah content on them, there is much debate on what status these papers have, especially when they have full פסוקים written out on them or even the שם השם.

Without getting into the סוגיא and the various opinions, let me share with you what Rav Shmuel Kamentzky, *shlita*, advises and how we are נוהג here in the Kollel. "Anything that is not meant to last, such as newspapers, photocopies, and printed *mareh mekomos* for a *shiur*, can be double-wrapped and placed respectfully in the garbage since they do not have קדושת ספר. Torn out pages from a *Siddur* or *sefer* must go לגניזה and be buried." I asked the ראש ישיבה what the status is of notes that are handwritten and taken by a *shiur*. He responded (in a way that I can see him smiling through the telephone) "it depends on how good the שיעור was. If you are asking about throwing it out, then you probably can wrap it up and do so!"

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