

Hanukkah Holiday of Homebodies 3: The Physical (?) House

Rabbanit Leah Sarna | Drisha Institute for Jewish Education | 5784

I. Privacy x Pirsum HaNes

1. Shabbat 21b:8

The Sages taught in a *baraita*: It is a mitzva to place the Hanukkah lamp at the entrance to one's house on the outside, so that all can see it. If he lived upstairs, he places it at the window adjacent to the public domain. And in a time of danger, when the gentiles issued decrees to prohibit kindling lights, he places it on the table and that is sufficient to fulfill his obligation.

2. Rashi on Shabbat 21b:8:1-4

On the outside: [This is] in order to publicize the miracle. And it was not in the public domain, but rather in the courtyard; as their houses were open to a courtyard. **And if he lived upstairs:** Such that he does not have a place in his courtyard, to place it there... **He places it** inside, in front of the window to the public domain. **Of danger:** Since the Persians had a law on their holiday, that they should only burn a lamp in their house of idolatry, as we say in Gittin (Chapter 2 - Gittin 17b).

3. Tosafot on Shabbat 21b:8:1

It is a commandment to place it at the entrance to one's house on the outside: And it is speaking about when there is no courtyard, but is rather a house standing adjacent to the public domain. But if there is a courtyard in front of the house, the commandment is to place [it] at the entrance of the courtyard.

4. Bava Kamma 62b:1-5

MISHNA: In the case of a camel that was laden with flax and was passing through the public domain, and its flax extended into a store and the flax caught fire from a lamp in the store belonging to the storekeeper, and as a result of the burning flax the camel set fire to the building together with all its contents, the owner of the camel is liable. But if the storekeeper placed his lamp outside, thereby causing the flax on the camel to catch fire, and consequently the building was set on fire, the storekeeper is liable. **Rabbi Yehuda says:** In a case where the lamp placed outside was a Hanukkah lamp, the storekeeper is exempt, since it is a mitzva for a Hanukkah lamp to be placed outside.

GEMARA: ... Further on the subject of the height of a Hanukkah lamp, **Rav Kahana** says that **Rav Natan bar Minyumi** taught in

שבת כ"א ב:ח

תנו רבנן: גר חנוכה מצוה להניחה על פתח ביתו מבחוץ. אם היה דר בעלייה — מניחה בחלון הסמוכה לרשות הרבים. ובשעת הספנה — מניחה על שלחנו ודיו.

רש"י על שבת כ"א ב:ח:א-ד'

מבחוץ - משום פרסומי ניסא ולא ברה"ר אלא בחצרו שבתיהו היו פתוחין לחצר: ואם היה דר בעלייה - שאין לו מקום בחצרו להניחה שם: מניחה - מבפנים כנגד חלון הסמוך לרה"ר: הסכנה - שהיה להם לפרסיים חוק ביום אידם שלא יבעירו גר אלא בבית ע"ז שלהם כדאמרינן בגיטין (פ"ב דף יז):

תוספות על שבת כ"א ב:ח:א

מצוה להניחה על פתח ביתו מבחוץ - ומיירי דליכא חצר אלא בית עומד סמוך לרה"ר אבל אם יש חצר לפני הבית מצוה להניח על פתח חצר

בבא קמא ס"ב ב:א-ה'

מתני' גמל שהיה טעון פשתן, ועבר ברשות הרבים, ונכנסה פשתנו לתוך החנות ודלקה בגירו של חנוני, והדליק את הבירה - בעל גמל חייב. הניח חנוני גרו מבחוץ - החנוני חייב. רבי יהודה אומר: בגר חנוכה - פטור.

גמ'... אמר רב פהנא, דרש רב נתן בר מניומי משמיה דרבי תנחום: גר חנוכה שהניחה למעלה מעשרים

the name of Rabbi Tanhum: A Hanukkah lamp that is placed higher than twenty cubits from the ground is **unfit** to be used for the mitzva, since people do not generally look up to such a height, and the main purpose of the Hanukkah lamp is for it to be seen by others. In this regard, the *halakha* of the height of a Hanukkah lamp is **like** the *halakha* of the height of a **sukka** and the *halakha* of the height of a cross beam at the entrance to **an alleyway**, which are unfit for their respective purposes if they are higher than twenty cubits.

5. Mishneh Torah, Scroll of Esther and Hanukkah 4:7

It is a mitzvah to place the Chanukah lamp at the outside of the entrance to one's home, within the handbreadth that is closest to the doorway on the left side as one enters the home, so that the mezuzah will be on the right side and the Chanukah lamp on the left side. When a person lives in a second storey apartment, he should place [the Chanukah lamp] in a window close to the public domain. If [a person] places a Chanukah lamp more than twenty cubits [above the ground], his actions are of no consequence, because [the lamp] does not attract attention [at that height].

6. Pri Chadash OH 671:5

If he lives in an upper floor etc then he should light in a window near the public way. It is obvious that if the window is about 20 amot he should light at the entrance to his home.

II. What Do You Do There?

7. Responsa of the Rashba 1:542

Someone who eats at another's table even if he sleeps in his own house does not need to light his own candles. Nevertheless, he needs to participate [monetarily] or the homeowner needs to acquire on his behalf a portion of the oil and wicks. And it is not similar to a guest who lights in his home because in that case others lit for him, but this person needs to light in the way a guest would if he has no other home- so he needs to participate with a coin.

8. Responsa of the Maharshal #85

A son-in-law who eats at his father-in-law's home, if he can afford it, even if he sleeps in his father-in-law's home, he should not join in the candle lighting rather light for himself because of the mehadrin of "a person and his household" but if he sleeps in another house then certainly he is obligated to light in the place

משנה תורה, הלכות מגילה וחנוכה ד'ז'

גר חגגה מצוה להניחו על פתח ביתו מבחוץ בטפח הסמוך לפתח על שמאל הנכנס לבית כדי שתהיה מזוזה מימין וגר חגגה משמאל. ואם היה דר בעליה מניחו בחלון הסמוך לרשות הרבים. וגר חגגה שהניחו למעלה מעשרים אמה לא עשה כלום לפי שאינו נפר:

פרי חדש אורח חיים סימן תרעא סעיף ה

היה דר בעליה וכו' מניחו בחלון הסמוך לרשות הרבים. דבר ברור הוא, שאם החלון למעלה מעשרים אמה, שמניחה על פתח ביתו:

שו"ת הרשב"א חלק א סימן תקמב

גם מי שאוכל על שלחן בעל הבית אפילו שוכב בבית בפני עצמו אינו צריך להדליק. אבל מכל מקום צריך להשתתף או שיקנה לו בעל הבית חלק בשמן ופתילות. ולא דמי לאכסנאי שמדליק בתוך ביתו דהתם כבר הדליקו עליו. אבל זה צריך הוא להדליק כאכסנאי שאין לו בית במקום אחר דצריך לאשתתף בפריטי/בפרוטה/.

שו"ת מהרש"ל סימן פה

חתן האוכל בבית חמיו אם יש יכולת בידו אפילו ישן בבית חמיו לא ישתתף אלא ידליק לעצמו משום המהדרין שהרי הוא איש וביתו ואם ישן בבית אחר פשיטא שמחוייב להדליק במקום שישן.

that he sleeps.

III. Physical Structure?

9. Responsa of the Maharsham 4:146

Parashat Vayigash 1905 in Radzin, to Rabbi Shimon Waltuch
Rabbi of Leipzig

To answer your question from the second day of Chanukah as to whether it is permissible to light Chanukah candles on a train, I have not found anything clear about it, but it is the case that a person who pays for a train through the night is as if he paid for a place to eat and sleep and therefore is obligated in Chanukah candles.

As to what Rashi wrote about a person in a boat, we can say that the boats then were open without ceilings and the wind would blow and they were nothing like a house. And even though a train doesn't stand in one place and riding is like walking we don't see anywhere that a person needs a permanent house in order to fulfill *pirsumei nisah* - so it seems to me from logic.

10. Responsa of the Tzitz Eliezer 15:29

Lighting Hannukah candles is different for the mitzvah is related only to the body of the person and wherever he is that is where he needs to light. And it is clear that even if a person set up a bed for himself in a street corner and slept and ate there, he too would be obligated in lighting Hannukah candles there even though he has no house at all, and that is because it is a mitzvah on the body of a person not at all related to an object....

11. Responsa Minhat Shlomo 2-3:58

a. On the laws of a house for the mitzvah of Hanukkah Candle Lighting.

It seems from the gemara that the that the mitzvah of candle lighting is an obligation on a person to light in their home or the entrance to their home or courtyard...

And according to this reason, we need to ask about a house that does not have a roof because even though for Shabbat purposes it would be considered the private domain, nevertheless since it isn't roofed maybe it isn't appropriate for hanukkah candles. And certainly we need to wonder about a house that does not contain 10 tefachim which even for Shabbat would not be considered private domain, or a house that

שו"ת מהרש"ם חלק ד סימן קמו

ב"ה ב' ויגש תרס"ו ברעזאן. לכבוד הרב המאה"ג החריף ובקי מוה' שמעון וואלטוך נ"י רב בעיר לייפציג.
לתשו' מכתבו מיום ב' דחנוכה אם מותר להדליק נ"ח על הבאהן /הרכבת/ לא מצאתי הדבר מבואר אבל הלא מי ששילם בעד כל הלילה הוי כשכר לו בית דירה לאכול ולישן שם וחייב בנ"ח

ומ"ש רש"י ביושב בספינה י"ל שהיו אז ספינות פתוחות בלא קירוי והרוח מנשב ולא הי' בגדר בית כלל. ואף דהבאהן אינו עומד במקום א' ורכוב כמהלך לא נמצא בשום מקום שיהי' צריך בית קבוע למה שמצותו בשביל פרסומי ניסא כנלענ"ד מסברא.

שו"ת ציץ אליעזר חלק טו סימן כט

מצות הדלקת נר חנוכה דהמצוה קשורה רק עם גוף האדם ובהיכא שנמצא חייב להדליק ומסתבר שאפילו אם אחד יקבע לו מטה בפנה אחת מפניות הרחוב וישן ויאכל שם שג"כ יהא חייב להדליק על ידו ובסמוך נר חנוכה ואעפ"י שאין לו בית כלל, ולכן מכיון שהיא מצוה כזאת שמוטלת דוקא על גוף האדם מבלי שיהא קשור בחלות של הפצא ...

שו"ת מנחת שלמה תניינא (ב - ג) סימן נח

א. בדין בית למצות נר חנוכה
...ומבואר דמצות הדלקה היא חובה על האדם להדליקה דוקא בביתו או על פתח הבית או על פתח החצר ...
ולפי"ז יש לדון בבית שאינו מקורה אף על גב דלענין שבת חשיב רה"י מ"מ כיון שאינו קרוי בית אין מקום כזה ראוי לקיים בו מצות נר חנוכה, וכ"ש שיש להסתפק בבית שאין תוכו י' טפחים אשר גם לענין שבת אין זה קרוי רה"י, או בית שאינו יכול לעמוד ברוח מצויה דאפשר דחשיב כמדליק בחוץ במקום שאין עליו שם בית.

cannot stand up to regular wind which then might be considered like lighting outside - it can't be called a house. And it says in Tractate Sukkah: our rabbis taught that a house that is not 4x4 amot is excluded from mezuzah, me'akeh, cannot get tzaraat (etc)...and Tosfot there bring from the Yerushalmi that if someone made a neder about a house they could still go in to a smaller than 4x4 hours because it is not considered a 'house' in normal human parlance...and since this is the case, we need to ask: since we need a house for hanukkah candles, why are hanukkah candles not listed amongst the things that need to be within a 4x4 house?...

And it seems that a house which is not 4x4 is not considered a permanent residence but actually is considered an impermanent residence. Therefore it seems to me that specifically with laws and mitzvot that are practiced all year round and require a house by Torah or rabbinic law, those require a house of 4x4 amot where you could live permanently, which is not the case for the purposes of Hanukkah candles which are just 8 days and it is common to live in an impermanent residence for 8 days and we do not require it to be the type of house that a person would want to live in permanently.... So it seems like what we mean in terms of a house is that a person needs to light in a space that is uniquely theirs alone, to exclude a road or a synagogue, and therefore it doesn't even need to be an impermanent residence just that they have unique permission to be there would be enough...

גם הרי אמרו בסוכה ג' ע"א, ת"ר בית שאין בו ד' אמות על ד' אמות פטור מן המזוזה ומן המעקה ואינו מטמא בנגעים... ובתוס' שם בד"ה בית הביאו בשם הירושלמי דגם בנודר מן הבית מותר להכנס בבית שהוא פחות מד"א, כלומר דגם בלשון בני אדם אינו נקרא בית... וכיון שכן יש לדון הואיל וגם בנר חנוכה צריך בית למה לא הזכירו זאת בין הדברים הצריכים דוקא בית של ד"א....

ונראה דאה"נ בית שאין בו ד"א על ד"א אינו קרוי דירת קבע, אבל שפיר חשיב דירת ארעי... ולכן חושבני שדוקא בדינים או מצוות הנוהגים תמיד בכל השנה ומצינו בלשון התורה או חכמים שאמרו בו לשון בית מצריכים שיהא דוקא בית של ד"א שרגילים לדור בו תמיד, משא"כ לענין מצות נר חנוכה שנוהגת רק ח' ימים ואשר לח' ימים רגילים לדור גם בדירה ארעית, לא בעינן שיהא דוקא בית חשוב של ד"א הרגילים לדור בו תמיד....

יתכן דמה שנזכר בית הכוונה רק להדליק את הנר ברשות המיוחדת לו בלבד ולאפוקי ברחוב או בביהכ"ס, ולכן אפשר שגם מקום אשר אין עליו אפי' שם דירת ארעי אלא רשות בלבד מהני....

["Home" for the Holiday](#)

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The first order for our unit to relocate our temporary encampment along the Gaza border came five minutes after Shabbat. We had already prepared everything for the war's first company-wide meal when the commander ordered: fold up the nets and tie the equipment to the vehicle's roof, in three hours we're on the move. We had been there in the field for barely a week. We hadn't even set up tents yet. And yet it felt a bit like leaving home: To abandon that space between the dirt mounds on which we managed to place a board to be used as a bench; to "disengage" from that perfect little patch of ground on the northwest side of the Armored Personal Carrier (APC), where you can hide from the afternoon sun. We knew that there would be shady corners and improvised benches in the next place we camped, but that did not dull the feeling of being uprooted, which returned even in the next order to bug-out, two or three weeks later, and the one after that.

A person wants to feel at home, no matter where he may be—heimishkeit in Yiddish; baytiyut in our modern Hebrew—even when he is displaced and uprooted from his home (perhaps especially then). Already when we boarded the Armored Fighting Vehicle (AFV) at the end of Simhat Torah, each of us grabbed the spot that had been his fixed place for the past fifteen years in training. Yehoshua is lying on the pile of vests next to the company

commander's seat; Doron is folded under the radio device; I am leaning on the wooden shelf that holds the code map. Every place we arrived at we tried to turn into a home. Not all at once. Three weeks passed before I brought my quilt and pillow back from a brief visit home, but it took me seven full weeks in the field before I dared to also bring a bedsheet. And how much aggravation was caused when the rain and wind knocked over our tents and swept all the bedding into the mud.

The Hanukka mitzva calls for “a candle for a person and his house,” *ner ish u-beyto*, and many *poskim* hold that this requires an actual house. According to this opinion, one trekking through a desert or sailing on the open deck of a boat cannot fulfill the commandment. On the other hand, some said that the mitzva is unconnected to a physical house, and every person is obligated to light regardless of his or her domestic condition. But R. Shlomo Zalman Auerbach presented a third approach: While a house is indeed needed to light the candle, the concept of “home” for Hanukka purposes is different than elsewhere in halakha. One doesn't require four walls and a roof, or even the Sukka's two walls and bit, but only some sense of privacy, personal space, of “homeliness.” As R. Eliezer Waldenberg put it: Even if someone sets up a bed for himself on a street-corner and sleeps and eats there, he is also obligated to light the Hannuka candles on that spot. It is beyond me to settle this halakhic dispute, but there is something to this approach, in the description of a makeshift street-corner bed of one who has no other place to lay his head at night—be it ever so humble, even a street-corner is a place called home. It is his place, and the idea captures my own wartime experience of domesticity in an extraordinary way.

At the moment I am sitting wrapped in a thin blanket on the metal bench in the APC, on my regular four A.M. shift. The books I brought from home are wet with yesterday's rain, my shoes are covered in mud, and I remember how the roof of my caravan back home in the village of Gevaot was beginning to leak during Sukkot. (The calendar stubbornly, but unimaginably, insists this was a mere two months ago!) At the time, that was the closest thing I could imagine to the holiday's requirement for a “temporary dwelling.” This is indeed the challenge of Sukkot: to imagine a bunch of poles and fabric on a balcony is itself a “house.” According to the Book of Maccabees the Hanukka festival was established as compensation for the eight days of Sukkot, which were not properly celebrated due to the Hasmonean war. It seems this idea seeks to expand our understanding of “home” and domesticity a bit more. While the Sukka demands that we establish our home in a temporary dwelling, Hanukka teaches us that every place may also become home. Domesticity is something that a person carries like armor and can project on the world around him. Wherever you go, there is home.

The Rishonim instituted an additional practice. We light Hannuka candles not only in our homes but in our synagogues as well—*bayit* expands to include the communal *beit kenesset*. Later rabbis extended the practice to include lighting at gatherings in the public square, even outside of any building at all. It seems they wanted to stretch our thinking to new forms of domesticity. This year, hundreds of thousands of Israeli soldiers are out in the field or lying in trenches, and almost as many Jews are displaced, wandering from hotel to hotel. When the siren sounds we run to a stairwell or a safe room. When we cannot place our trust in any conventional, physical dwelling, the community itself, the nation and its people, also becomes a home. An enveloping, embracing, illuminating, and caring home whose foundations will not be uprooted by any wind.

Rabbi Avraham Stav teaches at Yeshivat Machanayim in Efrat when he is not serving in an artillery unit. Read his recent TRADITION article on Rav Kook's progressivism and conservatism.

