

Channuka Lights: A Halachic Analysis

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Written by a Student

How many lamps should one light on Chanukah? It's command is that one light be kindled in each and every house (Rambam, Hilchos Chanukah 4:1)

What is the structure of the Channuka lights mitzvah: Is it an obligation that inheres in the house, or in the person; a *chovas bayis* or a *chovas gavra*? Some wish to suggest that the obligation falls upon the dweller, similar to *Mezuzah*. Another suggestion was that it is an obligation in the house, and this would mean that even if one is not living in his vacation home, he would still be obligated to light Chanukah lights there.

Rabbi Chait agreed with the ramifications of this position but argued differently: The simplest formulation, is that every person is obligated to light, but the fulfillment—*Kiyum*—is via the house. Therefore, if one lives in a house and the house already has a Channuka light lit [by another household member], he is exempt.

There is a concept of a *Cheftza Shel Pirsum*, an object of publication, which is the light in the house. Who is obligated to create this object of publication? It is the dweller of the house. So if there are multiple dwellers, each one is obligated. But once one person lights, all others become exempt.

The question was raised based on this theory: Why a guest would require to give money to the house owner to fulfill his obligation?¹ Furthermore, if one is a traveler—such as this person who needs hospitality—why is he even obligated in lighting? Giving money to the house owner to join in his lights, means that one fulfills his obligation through the house owner's lights, via payment. But in fact, it should be that the traveler is not even obligated [like the year-round dwellers].

This contention, corroborates that the obligation to light Channuka lights, is an obligation on the person—*Chovas Gavra*—not an obligation in the house—*Chovas Bayis*. But the fulfillment—*Kiyum*—takes place only through the house. Therefore, 5 house dwellers each have their own obligation, but they have a *Kiyum* through the light that is lit in the house.

Why not argue [instead] that the other 4 [who did not light] are exempt, as opposed to saying that they “fulfill” an obligation? Additionally, we have the question of why the traveler must give money (*Priti*) to the house owner; unlike year-round house dwellers who do not need to give money to the house owner, whom without giving money have their obligation fulfilled?

¹ [As he too is a dweller—albeit temporary—why is he not of equal dweller status to those who live there year-round who are exempt once a candle is lit?]

Apparently, lighting is an obligation upon the person (not a *Chovas Bayis*) but the fulfillment—Kiyum—is only possible through the house. The dwellers' obligations are fulfilled as they are connected to the house. Therefore, the traveler [who is not connected to the house] must join through giving money.

Now, a separate question: Since the fulfillment is in the house, if one does not own a house, meaning he as no vehicle of fulfillment, is he obligated in lights at all? Does this obligation—that falls upon the person—exist only for one possessing the vehicle of fulfillment? Did the *Chachamim* not obligate one without a house, like a homeless person? Is the entire entity of *Mitzvah* [including the means for fulfillment: a house] that it must relate to a person, otherwise he is exempt, just as a sailor is exempt?

Regarding *Mezuzah*, one's obligation is generated by the house, [one with no house is not obligated in *Mezuzah*]. But regarding Channuka, we cannot say this, based on the question above of why the traveler must join with the house owner through payment.

If the house generates the Channuka lights obligation, like *Mezuzah*, the traveler has no house and he should not need to join by giving money; he should be exempt. Also, why can't the traveler be exempt through the house owner's lighting—without payment—just as the year-round dwellers are exempt without payment? Why is the Halacha that the traveler must give money to join?

This fits with Maimonides' formulation: "*Anyone who is obligated in the reading of the Megilla is obligated in Channuka lights*" (Hilchos Channuka 3:4). It's clearly implicit that the obligation of Channuka lights is an obligation in the person, but the fulfillment is via the house.

Maimonides' words "each and every house" (Ibid 4:1) are ambiguous. Regarding *Mezuzah*, the structure of the house demands *Mezuzah*. But regarding Channuka, we are not saying that the structure of house demands the lights. Regarding *Mezuzah*, one with no house has no practical case of obligation, and this is equivalent to a parapet. [A parapet is obligated upon a house owner, not that one must buy a house in order to create a parapet].

The phrase "*each and every house*," is an equivocal term, as Aristotle calls it. On the one hand, it means the structure obliges a *Mitzvah*. With respect to *Mezuzah*, that is a genuine "obligation of the structure." But regarding Channuka lights, "*each and every house*" does not mean that. Rather, the person is obligated, but the house is the vehicle through which one fills his obligation. The house is not the source of the obligation, rather it services the person.

But the question still remains, if one is obligated if he has no house to begin with. But that is a separate question [from the question of how we formulate the obligation].

But you do not have to say this; you could say that everyone must obtain a home [a *Cheftza Shel Mitzvah*]. So as Rabbi Shirkin has it in his notes, one can go to a host, or he can build a house. This view maintains that even one without a *Cheftza Shel Mitzvah*—a home—one is still obligated in Channuka lights.

Returning to Rambam, I don't see how you can deduce that it is an obligation in the house, like Rabbi Shirkin says (quoting the Rav on "each and every house"): "*It is apparent from Rambam that it is an obligation on the house.*" I disagree. All Rambam is saying is that the "vehicle of fulfillment" is house. But Rambam is not discussing whether one is obligated, if he does not have the vehicle. He is not addressing that issue. According to Rabbi Shirkin, you end up with a contradiction in Rambam, because he cites another Rambam that one is obligated to build a house (meaning that it is and obligation on the person and not the house). The Rav cites Rambam in *Hilchos Berachos*, that even without owning a home one is obligated in Channuka lights.

The question was raised regarding why *Pirsum HaNeis* (publicizing a miracle) relating to Channuka lights, is unachievable alone, whereas it is achievable alone regarding Megilla. Regarding Channuka, one cannot be the proclaimer and also the observer; by definition these are two different people. But *Pirsum HaNeis* is different regarding Megilla. [Student's words: Perhaps as every person reads the Megilla he is increasing the awareness of the story; that increase is *Pirsum HaNeis*. This is unlike the Channuka requirement of *Pirsum HaNeis*, which is transferring information—requiring at least two people].

An additional question was raised. Why in *Hilchos Channuka* 4:1, Rambam formulates Channuka lights as "each and every house lights," as opposed to "a person is obligated to light?"

Rambam is consistent, as he says in *Hilchos Channuka* 3:3, "and the lights are lit at evening on the houses entrances." Rambam formulated Channuka lights in public terms, not as an individual's obligation. *Pirsum HaNeis* would be lacking, had members of the Jewish nation not lit. The Jewish nation (all houses) must be singled out in performing Channuka lights—to be identified by others—as Rambam says, "to display and reveal the miracle" (*Ibid*).