

ליקוטי ופסקי הלכות

# "חוקי חיים"



ותלמוד  
"חוקי חיים"  
לעשות רצונך  
בלבב שלם

שע"י "חדר הזרעה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochoh compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

# Chanuka

# 1

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# ליקוטי ופסקי הלכות

## "חוקי חיים"

ותלמוד  
"תוקף התנים"  
לעשות רצונך  
בלבב שלם



שע"י "חדד הוראה" שבונת מנחת יצחק פיעה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Chanukah – 1

Parshas Vayishlach 5781

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### Halachos Derived from "Neir Ish Ubeiso"

#### "Neir Ish Ubeiso"

1. Nowadays, the minhag is for each person in the household to light a menorah (רמ"א תרע"א ס"ב) besides for the wife, whose husband's lighting counts for her due to the rule of "ishto kegufo" (מ"ב סק"ט) and single daughters. Although they, too, were part of the Chanukah miracle and are obligated in the mitzvah, they were secondary to the men in the miracle (שו"ת עולת שמואל סי' ק"ה הובא במ"ב תרע"ה סק"ט). The Chasam Sofer writes that since the main mitzvah is to light outside the entrance of the house, a woman's respect dictates that she not go out and light among the men (חת"ס שבת כ"א ע"ב ד"ה והמהדרין).
2. **The woman's presence at the lighting.** A man is motzi his wife in the lighting wherever she may be, even if she is not present at the lighting. [Although the Mishnah Berurah (תרע"ה סק"ט) writes, "A man only makes a brachah for a woman...if she stands there and hears the brachah," see Shu"t Knei Bosesim (ח"ג סי' מ"ז) where he writes that this does not refer to a husband and wife.]
3. If a woman will arrive home after the zman for lighting but does not mind if her family does not wait for her, her husband should light on time and she is yotzei with this. If, however, she would like them to wait, it is best for her husband to wait for her for shalom bayis. Shabbos candles have precedence over Chanukah candles due to shalom bayis, as explained in Shulchan Aruch (סי' תרע"ח ס"א); one should certainly take shalom bayis into account when lighting Chanukah candles (הגר"ש וואונג, קובץ מבית לוי ח"י עמ' ג, הגר"ח קנייבסקי ע"פ מעשה שהיה עם הגר"ח זוננפעלד. This is especially true if she has to be somewhere else at the zman for lighting due to factors beyond her control.
4. One need not wait for his daughters – ketanos or gedolos – to be home for the lighting as shalom bayis does not apply to them.
5. **Woman is away.** If a woman traveled to another city and is staying at relatives while her husband remains home, she does not need to contribute money to be yotzei with her host; she may be yotzei with her husband's lighting at home (חוט שני חנוכה עמ' ש"א).
6. **In a convalescent home.** Similarly, a woman who is in a convalescent home for several days is yotzei with her husband's lighting. Still, she should try to hear the brachos from someone lighting where she is to avoid questions about whether to say the brachah of "She'asah Nissim" upon seeing Chanukah candles (מ"ב סי' תרע"ו סק"ו).
7. **Daughter is away.** If a girl traveled from her parents' house and is a guest in another place, she is not yotzei with her father's lighting at home; that only works for a husband and wife. Rather, she must contribute a prutah to be yotzei with her host (ע"י שו"ת אז נדברו ח"ג סי' נ"ג).
8. If a girl arrived at her host's house after the baal habayis lit and she did not contribute a prutah beforehand, she must light herself.
9. **Husband is away.** If the husband traveled to another place – even a distant one – strictly speaking he may be yotzei with his wife's lighting at home (מ"ב תרע"ז סק"ב). However, the minhag is, where applicable, for a son who is a gadol to light at home for his family, and the father is yotzei with this (הגר"ש"א הליכות שלמה חנוכה פ"ג הע"ב 19).
10. However, since the minhag today is for each member of the family to light individually, if the father wants to be machmir and personally light where he is staying, he may (רמ"א תרע"ז ס"ג). He should have in mind not to be yotzei with his son's or wife's lighting (מ"ב סק"ט) and he should make a brachah.
11. Nevertheless, since the Beis Yosef holds that one may not circumvent Chazal's decree that he is yotzei with his wife, the Mishnah Berurah writes that it is preferable for him to either hear

the brachos from someone else and answer amen or light his candles before his wife lights at home, thus avoiding any questions about his brachah. Still, if he did not do this and made the brachos anyway, he has poskim to rely on (מ"ב סק"ט).

12. **Wife traveled from Eretz Yisroel to America.** If one's wife went somewhere where the zman to light is later than her husband's zman, e.g., she went from Eretz Yisroel to the United States, some say she is still yotzei with her husband's lighting since her place of chiyuv is her house and it is already the zman there (שו"ת מנחת שלמה ח"ב סי' נ"ו אות 1). Others say she is not yotzei with her husband's lighting since the chiyuv did not yet begin where she currently is (הגר"ש"א, שבות 1). (יצחק דיני נר שבת עמ' קע"ו, הגר"מ פיינשטיין שמעתא דמשה applies if the husband traveled abroad.
13. Some treat this as a safeik and therefore hold that if the wife traveled abroad, it is preferable for her to have kavanah not to be yotzei with her husband's lighting at home and either light herself or contribute a prutah in the place that she is staying, thereby avoiding uncertainty (שו"ת מנח"י ח"ז סי' מ"ו, וכך הורה כ"ק מרן גאב"ד ירושלים).

### Lighting the Menorah in Shul

#### Lighting in Shul

14. The minhag in Klal Yisroel is to light a menorah with the brachos between Mincha and Maariv in shuls and batei medrash that people daven in (שו"ת תרע"א ס"א ומ"ב סק"ט) to publicize the miracle (רמ"א שם).

#### The One Who Says the Brachah in Shul

15. The minhag is for the shliach tzibbur or gabbai to say the brachah and light the menorah in shul. Even though he says the brachah in shul, he must say a brachah and light again in his home to fulfill his chiyuv in his house. He also repeats the brachah of Shehecheyanu at home on the first night to be motzi his family members; if he is not being motzi others at home, he does not repeat Shehecheyanu (מ"ב סקמ"ה).

#### Only in Shul

16. **Chanukah party, simchah hall.** A brachah is only said on this lighting when it is in a shul or beis medrash that people daven in. If people specifically want to light at a public gathering, e.g., a Chanukah party in a hall, a bar mitzvah seudah, a wedding, etc., they may do so to create a festive atmosphere, but they should not say a brachah – even if they daven Minchah and Maariv there – because the minhag is only to light in a shul (הגר"ש וואונג מבית לוי ח"י עמ' י"ט, הגר"ח קרליץ חוט שני חנוכה עמ' ש"ד).
17. **City streets, square.** Even when people feel the need to light a large menorah in the city streets or at a famous square...a brachah should not be made, as it would be a brachah levatalah (שו"ת מנח"י ח"ו ס"ה (אות ג, הגר"ש"א, הלכ"ל חנוכה פ"ז דבה"ל אות ד' שו"ת דברי יציב ח"ב רפ"ז אות ג).
18. **Regular minyan in an office.** Even in a place with a regular minyan in a set room for Minchah and Maariv, e.g., in an office building, no brachah should be made on lighting a menorah since it is not a place that is intended to be a shul (תורת המועדים סק"ט אות ו).

#### Courtyard Minyanim

19. In light of the situation resulting from the spread of the virus, in several places in the world there are still many people davening in courtyards, parking lots and many other types of places that are not shuls. Thus, even if there are daily minyanim in such a place for all the tefillos and there are various sorts of partitions, coverings, curtains, lighting, a bimah, etc., a menorah should not be lit with a brachah as it is not considered to be, or have the kedushah of, a shul or beis medrash. The minhag was only instituted for established shuls and we do not extend it past that, so no brachah should be made on lighting. [It should be determined whether menorahs should be lit in such places to begin with, even without a brachah, out of safety concerns. One must be very cautious about this...]

## Where to Light

### Entranceway Adjacent to a Reshus Harabim

20. If one's house opens up to a reshus harabim, he should place his Chanukah candles outside his doorway (ש"י"ע ס"י תרע"א ס"ה) in order to publicize the miracle (מ"ב שם). Many people in Eretz Yisroel have this minhag today. [See below (50) for the Chassidische minhag.]
21. Therefore, if the passersby in the reshus harabim cannot see the candles in the doorway unless they tilt their heads to look, one is not yotzei if he lights there (הגריש"א, חוט שני עמ"י ש"ב).

### Courtyard Entrance

22. "If there is a courtyard in front of the house, one should place his menorah by the doorway of the courtyard" (ש"י"ע שם) – since the courtyards opened to the reshus harabim back then (מ"ב סקכ"ב).
23. There is a dispute among the leading poskim as to the status of modern-day courtyards, even those with just one house. Some hold that only back then, when courtyards were used for the bulk of the housework, e.g., milling, baking, laundry, etc., were the candles lit at the courtyard entrance, but nowadays that courtyards are only for air and aesthetics, the menorah should be lit by the entrance of the house that faces the courtyard in such a way that they are also visible from the street, or they should be lit by a window facing the reshus harabim (הגרי"ח החזו"א, קנייבסקי שונה הלכות ס"א, ארחות רבינו ח"ג עמ"ג, ש"י"ע או נדברו ח"ה ס"ל ל"ט).
24. Others hold that the halachah regarding the menorah is the same for today's courtyards as it always was since there is no requirement for a courtyard to serve domestic functions when it comes to Chanukah. Consequently, one must light at the entrance of his courtyard facing the reshus harabim (הגרי"ח הלוי, שבות יצחק חנוכה עמ"ג, הגריש"א, מעדני שלמה) (עמ"י ק"ח, הגריש"א, תשובות והנהגות חנוכה עמ"ט).
25. **Doorframe.** Some hold that the menorah is only lit in a doorway that requires a mezuzah, i.e., one with a doorframe ["tzuras hapesach"]. Accordingly, a courtyard entrance must also have a doorframe for those who light there (הגרי"ח הלוי הובא בתשובה"נ ח"ב שמ"ב אות ב). However, many poskim hold that as long as it is clear that it is the entrance to the courtyard, it does not need a doorframe (הגריש"א, מעדני שלמה) (מועדים עמ"י ק"ט, הגריש"א פניני חנוכה פ"ד עמ"פ, ומרן הראב"ד ירושלים שם).

### Multi-Story Building – Stairwell

26. If one lives on an upper floor and his house opens up to another house, not a reshus harabim or courtyard, he should light by a window which faces the reshus harabim (ש"י"ע שם ומ"ב סקכ"ג) since if he would light at the entrance, it would not be clear that he was the one who lit (ב"י ובי"ח).
27. However, in a building with two apartments on two floors, if the upper apartment has a private entrance and stairs going outside and opens up to a courtyard, the candles should be lit by the entrance of the courtyard leading into the reshus harabim. If the apartment opens up to the reshus harabim, they should be lit by the entrance (ש"י"ע סקכ"ז).
28. **Stairwell.** Most buildings in Eretz Yisroel today have multiple floors and a stairwell which serves all the apartments. Some poskim hold that the stairwell has the status of a "mavui," not a courtyard, and thus the candles should not be lit by the doorway to the stairwell (חוט שני) (חנוכה עמ"י ש"ו לדעת החזו"א הנ"ל, ארחות רבינו ח"ג עמ"י י"א).
29. Others hold that although the stairwell is not like a courtyard, it is still like an entrance to the house and one may light by its entrance (הסתייפלער, ארחות רבינו ח"ג עמ"י ח' אות ר"ד).
30. Others hold that it has the status of a courtyard regarding Chanukah candles even today. Thus, if there is no courtyard in front of the building, one may light at the entrance to the stairwell which faces the reshus harabim (מעדני שלמה עמ"י) (הגריש"א, מעדני שלמה עמ"י) (ק"ח, הגריש"א שבות יצחק חנוכה פ"א עמ"ז).
31. Yet others hold that in such a case, it is preferable to light by a window in the house which faces the reshus harabim (חזו"א הנ"ל, ש"י"ע שבט הלוי ח"ז ס"י פ"ד). This has the advantage of publicizing the miracle to the ones living in the house and all agree that one may be yotzei there, at least bedieved (תשובה"נ שם).

### Parking Lot

32. A parking lot is not considered a courtyard since it is not primarily used as an entrance or exit for the apartment (הליכות שלמה חנוכה פ"ד) (ארחות הלכה הע"ל 15).
33. Nevertheless, if most of the tenants use the entrance to the parking lot as the main entrance to the building, the parking lot's entrance is considered a courtyard doorway regarding Chanukah candles. Also, if part of the parking lot was converted into residences and some apartments are entered from the parking area, it is considered a courtyard for those apartments.

## Lighting in a Window

34. One whose house does not have an entrance which opens up to a reshus harabim or courtyard should light in a window facing the reshus harabim. In a time when it is dangerous to keep the mitzvah, one may simply light on a table (ש"י"ע שם).
35. The minhag everywhere in Chutz La'aretz is to light in the house even though there is no danger in most places [baruch Hashem]. Many light by the window, thus publicizing the miracle to the reshus harabim (ש"י"ע אג"מ ח"ד ס"י קכ"ה, ש"י"ע מנח"י ח"ז ס"י ס"ו).
36. **Right side of the window.** Even when lighting in a window, there is significance in placing the menorah on the right side since the right always takes precedence for mitzvos (מ"ב תרע"א סקל"ד). The Mishnah Berurah's second reason – that there is more pirsumei nisa everyone turns to the right – does not apply when lighting in a window as people do not enter or exit (חוט שני).
37. When lighting in a window, the menorah does not need to be three tefachim above the bottom of the window or within ten tefachim from the bottom of the window since it is clear that it is for the mitzvah wherever it is placed (ערוה"ש סכ"ב).
38. However, if there is one window more than ten tefachim from the floor of the house and another one within ten tefachim of the floor, it is preferable to light in the window within ten tefachim (מ"ב סקכ"ז), unless there is more pirsumei nisa in the higher window (חוט שני עמ"י ש"ח).
39. If there is a bedroom window facing the reshus harabim and a living room window only slightly visible from the reshus harabim, it is preferable to light in the bedroom window (חוט שני עמ"י ש"ח אות ד). If the candles make it difficult to sleep, one may extinguish them after he has fulfilled the basic mitzvah.
40. **Opaque window.** One may light by an opaque glass window since it is obvious to those outside that the light coming through is from a menorah (הגריש"א, קובץ מבקשי תורה). Still, it is better if they are able to see how many candles there are.

### Above Twenty Amos

41. If one placed his menorah higher than twenty amos, he is not yotzei (מ"ב סקכ"ח) (ש"י"ע שם ס"ז) since people will not see it from the ground of the reshus harabim until the actual flames (ש"י"ע צ"ש סקל"ג).
42. Twenty amos is 9.6 m [Rav Chaim Na'eh] or 11.52 m [Chazon Ish]. For a mitzvah derabanan, one may use the meikel opinion lechatchilah.
43. The height of the average story in Eretz Yisroel is about three meters. Therefore, apartments on the third story [counting the ground floor as the first] are generally within twenty amos of the reshus harabim. Sometimes, the floor of the fourth story is within twenty amos as well, depending on the layout.
44. **Nearby buildings.** If the window facing the reshus harabim is more than twenty amos from the ground of the reshus harabim, some hold that one may rely on the pirsumei nisa of buildings across from or adjacent to his building that are within twenty amos heightwise of the apartment, and whose occupants can see the candles. This is in addition to the fact that there is pirsumei nisa for the house (ש"י"ע). Many people rely on this.
45. However, some argue and hold that one may not rely on this, as the occupants of those buildings are considered a group of individuals, not a reshus harabim (הגריש"א ארחות רבינו ח"ג עמ"י ג, הגריש"א).

### Balcony

46. The poskim discuss whether one may light on an uncovered balcony which faces the reshus harabim.
47. If it is on the ground floor and has an entrance that opens up to the reshus harabim, it has the status of a courtyard even nowadays and even according to the Chazon Ish (גר"נ קרליץ, נר חנוכה פ"ג אות ד').
48. If it is not on the ground floor and faces the reshus harabim but does not open up to it, some hold one may light on the balcony wall, as it is like lighting in a window (חוט שני חנוכה עמ"י ש"ח, הגריש"א, מעדני שלמה עמ"י ק"ז). Others hold that since it is uncovered, lighting there is like lighting in the middle of a courtyard, not in a window, and one is not yotzei (הגריש"א, שבות יצחק חנוכה פ"א עמ"י י').
49. It is better to light by the entrance to the balcony if the candles are visible from the reshus harabim since this has the advantage of being surrounded by mitzvos when lighting across from the mezuzah (חוט שני חנוכה עמ"י ש"ח). [According to the Chazon Ish, the mezuzah should be on the left side of the entrance when standing inside, in which case the menorah should go on the right; the minhag in Yerushalayim is for the mezuzah to go on the right side when standing inside, in which case the menorah should go on the left].

### Chassidische Minhag

50. The minhag of many Chassidim today is to light indoors even though there is no danger in lighting outdoors. They light across from the mezuzah next to an interior door of the house; not in a window. Multiple reasons are given for this (ליקוטי מהרי"ח, סידור רבי אשר בשם האריז"ל, ש"י"ע מנח"י ח"ז ס"י ס"ז).