

HALOCHOSCOPE

This week's question:

May one extinguish the *nairos Chanukah* in *shul*, before they burn for a half-hour? This way, the lights will not be left unattended, when everyone leaves after *maariv*. What if they were kindled before nightfall, but after sunset?

The issues:

- A) *Nairos Chanukah bevais hakenesess*, kindling the *Chanukah* lights in *shul*
- B) Timing of kindling; minimum length of time for *ner chanukah*
- C) Extinguishing the lights

A) *Chanukah lights in shul*

The origins of the *minhag* to kindle *ner Chanukah* in *shul* are unknown. The practice is not mentioned by the Talmud, nor is it recorded by the early poskim in their *halachic* codes. It is mentioned by other poskim, mainly to discuss various details. In discussing the *brocha*, some use terminology that implies that the *brocha* was instituted by *Chaza'l*, a reference to the Talmudic era. Clearly, they are of the opinion that this *minhag* dates back to those times. This is possible, as not all *minhagim* were recorded. They are part of the Oral Tradition. In addition, it seems that early records of the *minhag* appear in *Ashkenazic* countries. It is possible that this *minhag* originated in one major population center, such as *Eretz Yisroel*, and migrated to Europe. Since it would not have been practiced in the Babylonian communities, it was not recorded in the main Talmudic texts. The main poskim focus on Talmud *Bavli*, and they were connected to the Babylonian community. The *Sefarad* community were in constant communication with *Bavel*.

Nonetheless, at least one *posek* states clearly that the *minhag* was instituted by the *Rishonim*, the generation of the earliest codifiers. This arises in the context of the reason for the *minhag* and its *brochos*. It appears out of context, when the discussion arises about the *brochos* of *kiddush* in *shul* on *Shabbos* evening. That institution was made in Talmudic times, to satisfy the obligation of those who would not have it recited at home. According to this view that was seen as a precedent for *nairos Chanukah* in *shul*.

The earliest mention of the *minhag* is in a responsum attributed to *Rav Hai Gaon* – in *Babylon*! It refers to a very different *minhag*, in which eight or sixteen lights were kindled very night, but were rearranged according to the particular night. The earliest mention of a *minhag* like the common prevailing one is found in the *Sefer Hatur*, authored by *Rav Yitzchok ben Aba Mari* of *Provence*, a senior contemporary of *Rambam*. He mentions that there are two customs regarding the placement of the *shul nairos*. One custom is to place it at the entrance, and the other custom is to place it at the center of the *shul*.

A second early source asserts that there is no obligation to kindle *nairos* in *shul*. The Talmud says that the menorah is placed on the left side of the doorway, so that the

mezuzah is on one's right and the menorah on the left. A *shul* is exempt from *mezuzah*, unless it contains a lodging area. The *minhag* was never instituted as part of the *mitzvah*. Rather, it is a *minhag* as a nice way to add to the *pirsumei nisa*, publicizing the miracle. The miracle took place in the *Bais Hamikdash*, and *shuls* represent a *mikdash me'at*, minor temple. Everyone gathers in *shul*, so there is a great opportunity for *pirsumei nisa*.

This reason is echoed by later sources, and broken down into two distinct reasons: *zecher lemikdash*, a way of remembering the *Bais Hamikdash*, and *pirsumei nisa*. A twist on the *pirsumei nisa* idea is added by a later posek. The original obligation is to kindle the lights at the doorway or entrance from the street to the house or courtyard. This was the true manner of publicizing the miracle. This is no longer practiced, due to possible incitement of anti-Jewish feelings. We kindle the *nairos* inside the home. In order to fulfill the public aspect of the *mitzvah*, the *minhag* was instituted to kindle in *shul*.

A third reason is given, but as an additional reason, rather than an alternative. The *shul* kindling also helps to discharge the obligation of those who would not kindle at home, due to unfamiliarity with the *mitzvah*, or to laziness. In reality, this does not work for them. This is a '*mitzvah* of the home', similar to *mezuzah*, though not exactly the same. Therefore, one hearing the *brochos* and seeing the *nairos*, and even actually leading the congregation as the kindler, does not fulfill his obligation. In fact, the Talmud discusses *kiddush* in this vein. Some say that one fulfills his obligation with *kiddush* in *shul*. We follow the view that it must be recited where one eats. The original *minhag* to recite it in *shul* was to discharge the obligation of those eating there, and the *minhag* remained. It is possible that the same happened to *ner Chanukah* in *shul*.

In any event, the *minhag* was widespread in Europe, and by the time the *Shulchan Aruch* was compiled, it had spread to all communities. The poskim debate various aspects thereof. One is the *brochos*, as mentioned. The other is the placing of the menorah. We have mentioned a very early source that cites two *minhagim*: the entrance to the *shul* or the center of the *shul*. These focus on the *pirsumei nisa* aspect of the *mitzvah*. The prevailing *minhagim* focus on the *zecher lemikdash* aspects of the *mitzvah*. In the *Bais Hamikdash*, the menorah was placed on the southern side of the temple. There is a debate on which direction the *nairos* went. In one view they went North to South, or right to left for the person walking in through the entrance. The other view maintains that they went parallel to the southern wall. Both of these views are practiced with regard to the *minhag* to kindle *ner Chanukah* in *shul*. Some place the menorah in a window on the southern wall of the *shul*. Others object to this, based on the way the *nairos* are kindled. The first *ner* is kindled on the right side of the menorah. On subsequent nights, one kindles the newest light first, moving along the menorah from left to right. This is based on another *zecher lemikdash*, that one always turns toward the right. In *shul*, one should kindle the light closest to the *aron hakodesh* on the first night. In western countries, this is on the eastern wall. In order to 'turn right' one must be facing north when kindling. This means that the menorah could not be placed in a window, which would be kindled facing south. *Shuls* should follow whichever *minhag* they start, as all have advantages and drawbacks.

The *brochos* raise another issue. There is an old controversy about *brochos* on a *minhag*. The Talmud says that we do not recite a *brocha* on the *hoshanah*, because it is

not a *mitzvah*, but a *minhag* of the Prophets. Many poskim maintain that this applies to other *minhagim* as well. However, in this case, virtually all poskim approve of the *minhag*. Various reconciliations are made, most notably, that *pirsumei nisa* is different. Nonetheless, the few detractors of the entire *minhag* base themselves on the unnecessary *brocha*. While there is reason to kindle, and recite *brochos*, for lodgers in a *shul*, if there are none, there should be no kindling, and certainly no *brocha*. As mentioned, this view is not followed. A minority opinion kindled but with no *brocha*. [See Shabbos 21b-23b (Ritva, Meiri) Yuma 11a Sukah 44b Menachos 98b, Poskim. Teshuvos Hagaonim Hachadashos 177(91). Itur, Aseres Hadibros, Chanukah. Manhig, Chanukah. Hagahas Semak 280. Terumas Hadeshen 104. Shibolei Leket (Tanya), Kolbo (Chanukah 185 & Pesach 3). Rivash 111. Tur Sh Ar OC 671:7, commentaries. Maharam Shik YD 374.]

B) Timing and duration of the ner Chanukah shel bais haknessess

The Talmud gives two times for *ner Chanukah*. To reconcile this, the Talmud states that the two times reflect the earliest and latest times they should stay alight, or the duration. Both of these are accepted as valid. The reasons for the latest time are based on kindling in public. When there are no more passersby, there is no *pirsumei nisa*. Nowadays, this does not apply, since we kindle indoors. The latest time is dawn, but others should be around to watch. The minimum length of the kindling is assumed to be a half-hour. Some say that since the earliest time is debated, as it depends on when sunset begins or ends, one should try to leave them burning for about an hour and a half. However, this is not required, but praiseworthy. The consensus is that the optimum time to kindle in the home is at the end of the 'sunset period'. This itself is debated. Earlier than this, it is still light outside, and the *nairos* do not show. In emergency, one may kindle at *plag hamincha*, an hour and a quarter before sunset or nightfall, depending on the view one follows.

In *shul*, the universal *minhag* is to kindle them before *maariv*. In many *shuls*, the *minhag* is to kindle them right after the late *mincha*. *Maariv* usually follows, or there might be a break until *maariv*. This is based on the *zecher lemikdash* idea. The menorah was kindled in the late afternoon. This means that in *shul*, the menorah is kindled at the beginning of sunset. Some communities have a *minhag* to kindle them again at *shacharis*, without a *brocha*. Others frown on this *minhag*, questioning its origins. Various explanations are given, based on some of the *minhagim* soon to be discussed.

In terms of the duration of the lights, there are varying views. Several references indicate that they should burn for the same half-hour as the home *nairos*. This is consistent with the reason that lodgers in *shul* fulfill their obligation with it. Some poskim maintain that the *nairos* in *shul* need only stay alight for the duration of *maariv*, while people are present. This seems to consider the main reason the *pirsumei nisa*. There was a *minhag* to ensure that the *shul* menorah burned through midnight. A second *minhag* is to let them burn through the morning, including *shacharis*. Another *minhag* has them burning for the entire twenty-four hours, until the following night, or at least, until *mincha*. These are explained as somewhat connected to the *zecher lemikdash* idea. In the *Bais Hamikdash* the menorah burned all night, and one lamp was still burning later on, when the others were ready to be kindled the following evening. Wax candles were commonly used, so that their burning time could be predicted well. Some add, not all congregants attend at night.

Therefore, there is an additional *pirsumei nisa*. Another interesting reason is that the person kindling will know how many to kindle this night.

Detractors cite various objections. Why would there be an institution, with a *brocha*, to discharge the obligation of the derelict in their performance? What is the source for *pirsumei nisa* in the morning? By kindling the remaining oil or wax, one is hardly able to recognize the kindling as special! It looks like lighting the *shul*. Others maintain the opposite. Since there is no need for the light by day, it is more obviously for the miracle.

The prevailing *minhag* is to kindle regular *nairos* in *shul* at night for the usual duration. Some use *nairos* that will self-extinguish after *maariv*, twenty minutes. Then they use fresh longer candles for *shacharis*. Some extinguish them after the minimum time and kindle them again in the morning until they burn down. Others use regular candles, let them burn out and kindle fresh *nairos* at *shacharis*. [See Shabbos 21b, Poskim. Tur, (Darkei Moshe 5-6) Sh Ar OC 670:MA 2 671:7 672:1-2 675:1, commentaries. Melamed Lehoil 121. Refs in Or Yisroel journal #30 p. 153 etc. Rivevos Efraim V:OC:432:5. Mikdash Yisroel Chanukah 105. Shrga Hameir 84. Shevet Halevi VIII:OC:156.]

C) Extinguishing ner Chanukah

Our questioner wishes to extinguish the *nairos*. We have mentioned those who permit extinguishing the *nairos* after *maariv*, or after a half-hour. Their reasoning is that the *nairos* in *shul* are only for *pirsumei nisa* while the congregation is present. Sunset is earlier than the acceptable time to kindle at home. At home, there is no requirement to leave the light burning for more than a half-hour, but they will have been seen after dark. The *nairos* kindled in *shul* will have been seen just after sunset. While this period is getting dark, the lights do not really show. Nonetheless, since this is the conventional kindling time in *shul*, and many poskim allow extinguishing before a half-hour is up, there is no problem in our case. This seems to be the vary case discussed by those poskim.

If one placed enough oil in a lamp, but it blew out early, one need not rekindle it. This is based on the principle, debated in the Talmud, that the *mitzvah* lies in the act of kindling. If one intentionally extinguishes the lamps before they burn the minimum time, he must rekindle it. Assuming the *mitzvah* in *shul* does not require them to burn for longer than *maariv*, one may extinguish them then. Nonetheless, some suggest that a different person should actually extinguish them. [See Shabbos 21a-b, Poskim. Tur Sh Ar OC 673:2, commentaries. Mikdash Yisroel Chanukah 105.]

In conclusion, it is permissible to extinguish the menorah in *shul* after *maariv*, rather than leave the lights unattended. Preferably, the kindler should not extinguish them.

On the Parsha ... *The price of the prison saw .. whatever the [prisoners] did [in the prison] was [Yosef's] doing .. for Hashem was with him in all he did .. [39:22-23]* Why would Yosef do the work of others? [see R Hirsch] What has this to do with Hashem? Human reaction is to punish dereliction, and certainly not to cover for it. Yosef aspired to a more divine attitude. He went out of his way to cover for others who were derelict in their own duties. The prince of the prison saw this and understood. This is the way of *Chaza'l* in instituting the above *minhag*.

Sponsored in memory of Meir Simcha ben Rav Yosef Tzvi Halevi a"h. 

© Rabbi Shimon Silver, December 2011.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com