

GILYON BIRCHAS BINYOMIN

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Pirumei Nisa - Even The Shirt On Your Back



The **Rambam (Hilchos Chanuka 4:12)** states, “The Mitzvah of Ner Chanuka is especially important; one must be very careful with it and ensure the miracle of Chanuka be publicized and well-known. Even one whose sustenance comes from charity, must either borrow money or sell the shirt on his back in order to purchase oil and candles with which to light Ner Chanuka. If he only has enough for either Kiddush or for Ner Chanuka, then Ner Chanuka takes precedence. Since they are both midarabanan, the Ner Chanuka takes priority since it symbolizes the commemoration of the miracle. If he only has enough for either Ner Chanuka or for Ner Shabbos then Ner Shabbos takes precedence because of Shalom Bayis.”

This Halacha of selling one’s shirt is not mentioned in the Gemara with regards to Ner Chanuka. The **Gemara (Shabbos 21-24)** expounds upon the story and laws of Chanuka for approximately 3 two-sided pages, yet does not mention this comparatively unique idea which is quite a remarkable Chiddush. It is quite a novel and intriguing concept that one must sell the shirt on his back in order to fulfill a mitzvah which is strictly rabbinic in origin. Even more intriguing is that we do not find this type of jargon being mentioned even with mitzvos diraysa, and certainly not with other mitzvos dirabanan. More so, several other Halachos of Pirumei Nisa e.g. that Ner Chanuka supersedes kiddush, are indeed mentioned there in the Gemara, yet this one is strikingly absent. So where does it come from? If it is not in the Gemara then what is the source? And what is the logic behind Pirumei Nisa being given more deference over anything else?

The **Magid Mishna** explains, “This is derived from the laws of the 4 cups of wine on Pesach. There the **Gemara (Pesachim 99B)** rules that even a poor man who gets his sustenance from charity must perform the mitzvah of drinking the 4 cups of wine on Pesach. He must sell the shirt on his back or go knocking on doors collecting if need be, in order to fulfill the mitzvah of drinking the 4 cups. This is because of Pirumei Nisa. So certainly (kol shekain) it applies to Ner Chanuka as well which takes precedence over Kiddush.”

The words of the Lechem Mishna are somewhat cryptic in what the kol shekain is and in how the derivative from the 4 cups operates.

Accordingly, **Lechem Mishna** challenges the kol shekain of the Magid Mishna. He argues that there is no reason for there to be a kol shekain from Chanuka. If Chanuka overrides kiddush then that is synonymous with saying that Pirumei Nisa overrides kiddush. So what is the ‘kol shekain’ from Chanuka to Pirumei Nisa? Chanuka IS Pirumei Nisa! How could the Magid Mishna say that if Chanuka is better, then certainly Pirumei Nisa is better?

The 4 cups which have the element of Pirsumei Nisa is just like Ner Chanuka which has the element of Pirsumei Nisa. In that case it should not be a 'kol shekain but rather a 'hu hadin'. So, according to Lechem Mishna just like we find that Pirsumei Nisa of 4 cups requires going all out to the point of selling the shirt on one's back, so too Pirsumei Nisa of Ner Chanuka demands the same. We do derive the laws of Pirsumei Nisa on Ner Chanuka from Pirsumei Nisa of the 4 cups, albeit with the methodology of hu hadin as opposed to a kol shekain.

The **Avnei Neizer (O.C. 1:501)** comes to the defense of Magid Mishna and explains as follows: What is the reason that Ner Chanuka should override kiddush because of Pirsumei Nisa? Kiddush is also Pirsumei Nisa! Shabbos is a testimony to masseh beraishis as we say in kiddush - zecher lemaaseh beraishis. And the creation of the world had much greater miracles than the redemption and exodus from Egypt did. So why is it that the 4 cups which commemorate the miracles of the redemption from Egypt, overrides kiddush which commemorates the much greater miracles of maaseh beraishis? Shouldn't it be the contrary? He answers that the 4 cups have the element of Pirsumei Nisa which means that there is a special inyan to make it known to others. It is affirmative that kiddush commemorates the miracles of maaseh beraishis which are greater than the miracles of yetzias mitzrayim. But kiddush does not specifically have the component of publicizing it to others. Kiddush is strictly between you, yourself and G-d. However the 4 cups have the element of Pirsumei Nisa, which means that there is a special inyan to publicize it to others. So kiddush is just like all other mitzvos and overridden by Pirsumei Nisa. Now the kal vachomer is perfect. With the 4 cups on Pesach there is no inyan to broadcast it to the public, just to one's family members. Whereas with Ner Chanuka there is a special inyan to light by the doorway to the public thoroughfare, in order to be mefarsaim the nais to the public. So if for the 4 cups which have the element of Pirsumei Nisa only to one's household members, one must sell the shirt on his back to perform it, then kol shekain Ner Chanuka which has the element of Pirsumei Nisa to the public, one must sell his shirt for. The kol shekain works perfectly now. (Notwithstanding the fact that the commentators tell us that nowadays Pirsumei Nisa for Ner Chanuka is also in the house, the kal vachomer nonetheless is from the root of the mitzvah which was originally enacted to make known to the public.) Interestingly, Avnei Neizer cites the idea that one who thinks and attempts to do a mitzvah it is considered as if he did it. This is accurate for other mitzvos. But if it has the element of Pirsumei Nisa then what is in his mind does not help since he was not mefarsaim it to others. This is why it is only with Pirsumei Nisa that we find this rather unique idea in Chazal that one must sell the shirt on his back in order to achieve it.

The **Elyah Rabah** also questions the kol shekain of the Magid Mishna. He suggests that Pesach has numerous other things to commemorate it like Matzah and Marror, whereas on Chanuka the Ner is the primary mitzvah. Therefore, Ner Chanuka is more crucial to Chanuka than the 4 cups is to Pesach and for that reason the kol shekain is logical.

For if Pirsumei Nisa requires selling one's shirt for the 4 cups when it is merely one of several things to commemorate Pesach with, then certainly Pirsumei Nisa requires selling one's shirt for Ner Chanuka when the Ner is the primary and sole commemoration of the miracle. The kal vachomer is understandable.

So the Rambam inferred that just as we go all out for Pirsumei Nisa with the 4 cups, so too we should go all out for Pirsumei Nisa with Ner Chanuka as well. Hence, if you need to sell your shirt for the Pirsumei Nisa of the 4 cups, then you need to sell your shirt for the Pirsumei Nisa of Ner Chanuka as well. It is derived either via a kol shekain or via a hu hadin.

The **Gemara (Pesachim 112A)** questions what should be the chiddush that even a poor man who is supported from charity must perform the 4 cups? This is obvious. All people are obligated in mitzvos equally, regardless of their socio-economic status. The Gemara answers that it is necessary for Rabi Akiva who ordinarily maintains that it is better to have a Shabbos like a weekday than to resort to taking charity. (Asei shivticha chol ve'al titztarach labriyos.) Even he would agree that for the 4 cups one should indeed resort to taking charity if necessary, for Pirsumei Nisa. Although in most regular instances taking charity in order to do a mitzvah is frowned upon, for Ner Chanuka because of Pirsumei Nisa, he agrees that one should do whatever it takes to perform it.

Is this to be understood literally that one must sell his shirt in order to perform Ner Chanuka? The **Pri Migadim (Mishbitzos Zahav O.C. 671:3)** says - not quite. By a mitzvas asei such as esrog one is not required to spend up to a fifth of his assets. It is the same with Ner Chanuka. You are required to spend up to a fifth of your total assets and not more!

Apparently the understanding of Pri Migadim was that 'selling the shirt on his back' is not to be understood literally, it is merely a figurative expression as to the high significance that Chazal accorded to Pirsumei Nisa. So they used a somewhat more extreme terminology for emphasis, but not for practicality.

However **Rabi Akiva Eiger** argues that Chazal mean exactly what they say and it is to be understood literally. For a poor man to have to sell the shirt on his back in order to purchase Ner Chanuka, it is implicit that this is even if it is more than a fifth of his assets. Why? Because of Pirsumei Nisa Chazal were much more stringent than with a mitzvas asei.

Aruch Hashulchan (O.C. 671:2) is machria like R' Akiva Eiger that it is specifically with regards to Pirsumei Nisa of the 4 cups and of Ner Chanuka that one must sell the shirt on his back, not with all other mitzvos. He does not rule like Pri Migadim that one is never required to go over a fifth.

But **Biur Halacha (Hilchos Lulav 656:1 d.h. Afilu)** argues that it would apply to all other mitzvos asei as well! He points to the **Shulchan Aruch (Hilchos Shabbos 363:2)** where we find the same terminology with regards to Ner Shabbos which has nothing to do with Pirsumei Nisa. Ner Shabbos is a mitzvas asei which is only midivrei kabala, not even midioraysa and does not have the element of Pirsumei Nisa. Yet it is brought that one who does not have enough for Ner Shabbos should borrow and/or sell his shirt in order to perform Ner Shabbos. So certainly for a mitzvas asei midioraysa like Tefillin or Shofar, one would also have to be equally zealous in

order to perform them. As they are not of any less importance than mitzvos which are only midarabanan like Ner Chanuka, Ner Shabbos, and the 4 cups on Pesach.

So we have a machlokes among several prime Halachic authorities as to what extent we are required to spend on mitzvos:

Pri Migadim – Never spend more than a fifth of your assets on a mitzvah, even for Pirumei Nisa. Never sell your shirt.

Biur Halacha – Sell your shirt for all mitzvos, even if they do not have Pirumei Nisa.

Rabi Akiva Eiger and **Aruch Hashulchan** – Sell your shirt for Pirumei Nisa and for Shalom Bayis. For all other mitzvos the maximum limit is a fifth of your assets.

The **Gemara (Kesubos 50A)** in a discussion about giving tzedaka, says one should not spend more than a fifth of his assets on tzedaka. This is derived from that which Yaakov Avinu pledged Aaser aasrenu luch. The twofold terminology implies 2 maasers which is one fifth. Hence, one should give only up to a fifth of his assets to tzedaka, lest he give away too much and have to resort to charity himself. For this reason it only applies while someone is still living, but for after his death he can bequeath as much as he wants to charity. Because after he dies he does not need to worry about collecting charity. **Rashba** says that this not only applies to tzedaka but to all other mitzvas asei as well. This is brought by **Rema (O.C. 656:1)** that one should not spend more than a fifth of his assets on any mitzvas asei like esrog, (but in order to avoid a mitzvas lo sasei one must give away all his money to avoid violating an issur dioraysa.)

The **Rambam (Hilchos Shabbos 5:1)** states that if need be, one must go collecting door to door (shoel al hapesachim) in order to buy oil for Ner Shabbos.

Ohr Someach notes that the source for this is that just as Shalom Bayis overrides Pirumei Nisa of Ner Chanuka which one must sell his shirt for, all the more so one must sell his shirt for Shalom Bayis itself.

The **Vedibarta Bam (Siman 190)** discusses this topic, struggling as well to understand why Pirumei Nisa seems to be more demanding than all other mitzvos to the point of selling your shirt. He cites **Rav Dovid Feinstein** who rules that selling the shirt on your back only applies to Pirumei Nisa and Ner Shabbos, not to all other mitzvos. This is in tune with the view of Rabi Akiva Eiger and of Aruch Hashulchan.

He also cites the view of **Rav Moshe Feinstein (Igros Moshe Y.D. 2:141:2)** similarly, that although one is not obligated to give charity to a poor man in order to perform mitzvos, he is obligated to give for Pirumei Nisa of the 4 cups and of Ner Chanuka.

It is somewhat puzzling why it is that Pirumei Nisa requires selling your shirt, and we will leave it with a tzarich iyun. Perhaps someone who is reading this will be able to clarify this topic with some enlightening insights.

The **Rambam (Hilchos Chanuka 4:14)** states, "If he only has enough for either Ner Shabbos or for Ner Chanuka then Ner Shabbos takes precedence because of Shalom Bayis. For even the name of Hashem gets erased in order to make shalom between man and his wife. How great is Shalom that the whole Torah was given in order to make Shalom in the world, as it says 'Diracheha darchei noam vechol nesivoseha shalom'."

So the final breakdown would be as follows:

Mitzvos asei require up to a fifth, Pirumei Nisa overrides mitzvos asei, and Shalom Bayis overrides Pirumei Nisa. Thus, Shalom Bayis overrides everything.

How interesting that the way the Rambam concludes Hilchos Chanuka is by reminding us that only for Shalom Bayis does G-d allow having His name erased, that the whole Torah was given in order to make Shalom, and that Shalom Bayis overrides everything, even Ner Chanuka and Pirumei Nisa.

This work is strictly informational. For a final ruling if, when, and for what one is required to sell his shirt, a Halachic authority must be consulted.

A Guten and Freilichin Shabbos Chanuka!

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