

ספר מקורי דוד

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# HALACHA SOURCES

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*A Study Guide in English for Tracing the Halacha*

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*In the footsteps of the authors of the Shulchan Aruch  
and the other authorities, including many contemporary rulings*

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by Rabbi Dovid Lipman

Introductory Volume - **The Halachos of Chanukah**  
(*Shulchan Aruch Orach Chayim 670 through 684*)

Pre-release Edition

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## Foreword

### TWO HUNDRED PAGES ABOUT A FIFTEEN-MINUTE OPERATION WITH A COUPLE OF CANDLES?

I once heard Rav Noach Orlowek quote Rav Avigdor Miller [not verbatim]: "The most important thing to know is that the universe has a Creator. Therefore, the first thing the Torah says is: "In the beginning, Hashem created the heavens and the earth." The second most important thing to know is that the Creator is not impressed by physical size or magnitude. Therefore, the Torah gives tiny Earth equal treatment with the cosmic heavens in the above first sentence (and then entirely discards the heavens in the next sentence, proceeding: "And the earth...")

This is the message of Chanukah, when we declare to Hashem, "You delivered the strong into the hands of the weak, and the many into the hands of the few, and the wicked into the hands of the righteous, and the impure into the hands of the pure, and the [wanton] sinners into the hands of those involved in Your Torah." The *true* significance and power of any particular entity in the universe does not depend on its superficial appearance, but rather upon *what its Creator puts into it*. Therefore, someone may measure a quantity of oil superficially, judging that it is only enough to burn for one night; but that oil can in fact burn for eight nights, if Hashem gives it the power.

Similarly, the Halachos of Chanukah seem like a small matter. The *truth* is, "Taste, and you will see that Hashem is great." (*Tehillim* 34:9) This is an invitation extended to students of all areas of the Torah, and the Halachos of Chanukah are no exception.

### INTRODUCTION TO THE AUTHORS OF THE *SHULCHAN ARUCH*

The *Shulchan Aruch* is based on the works of the Sages [i.e. the Mishnah, the Gemara, etc.] and the "early authorities" who came afterwards [as will be explained]. Its composition consists of three basic stages: the Tur, the *Beis Yosef* (and the *Darkei Moshe*), and the *Shulchan Aruch* itself (with the *Rema*). This work is, for us, the "bridge" which leads us from the Torah of the Sages to the practical Halacha.

The period of the Sages ended with the "sealing" of the *Talmud Bavli* (usually simply called "the Gemara"), in the late 300's (C.E.). The period of the *Gaonim* followed, and then came the "early authorities" [the "*Rishonim*"]. Actually, in Halachic works, the *Gaonim* are not usually considered to be an entirely separate period (with a unique status), but rather they are viewed (whenever their Halachic views are available) as simply the earliest of the "early authorities".

A number of the early authorities wrote compositions on the broad spectrum of Halacha (or a very large part). One of these was the Tur. *Rabbeinu* Yaakov ben Asher of Spain (~1280 - ~1345) wrote the *Arba'ah Turim* [lit. the "four columns"], in four volumes (*Orach Chayim*, *Yoreh Dei'ah*, *Even HaEzer*, and *Choshen Mishpat*), with each

volume divided into hundreds of chapters. One might point to the particular distinctiveness of the Tur as being the combination of (1) spanning all of the Halachic subjects relevant after the destruction of the *Beis HaMikdash*, and (2) citing numerous positions of the early authorities - and doing so relatively frequently. The Tur usually adopts the positions of his father, the Rosh. [The Halachic weight of those positions will be seen soon.]

R. Yosef Karo was born in Spain, in 1488. He spent the latter part of his life (i.e. when he wrote the *Beis Yosef* and the *Shulchan Aruch*) in the Land of Israel, where he passed away in 1575. In order to clarify and unify the practical Halacha for the Jewish people (and especially the *Sefardi* "world"), he created the *Beis Yosef* (and summarized its conclusions in the *Shulchan Aruch*), as follows:

Building off the Tur, which already included a varied collection of positions of the early authorities on nearly every relevant subject, the *Beis Yosef* fills in the rest. He most often starts with the fundamental source from the Sages (usually a Gemara), which he either quotes (in full or in part, often including key explanations of Rashi [1040 - 1105]), or references by tractate and folio. Then he quotes or cites the positions of major and/or "minor" early authorities, working his way to the final ruling [as detailed soon].

Meanwhile, R. Moshe Isserles (~1525 - 1572) was in Poland, working on the same idea. When the *Beis Yosef* was printed, he decided that his work (at least in its original form) was no longer needed, and he re-wrote it, making it an extension of the *Beis Yosef*. When this work, the *Darkei Moshe*, is printed together with the Tur and the *Beis Yosef*, it consists of notes (usually short) to the Tur and *Beis Yosef*, adding a relatively small amount of material.

The fundamental difference between the *Beis Yosef* and the *Darkei Moshe* is in their basic systems for deciding the final ruling. The *Darkei Moshe* gives heavy weight to major early authorities, such as Rashi [*Rabbeinu Shlomo* "Yitzchaki" (1040 - 1105)], the Behag [*Rabbeinu Shimon Keira* (mid 700's)], *Rabbeinu Chananel* [~975 - ~1050], Tosafos [commentary material on the Gemara from the 12<sup>th</sup> - 14<sup>th</sup> centuries], the Ra'avad [*Rabbeinu Avraham ben Dovid* (~1120 - 1198)], the Ramban ["Nachmanides" (1194 - ~1270)], the Rashba [*Rabbeinu Shlomo ben Avraham ibn Aderes* (~1235 - 1310)], the Maharam of Rottenburg [*Rabbeinu Meir ben Baruch* (~1213 - 1293)], the *Maggid Mishneh* [*Rabbeinu Vidal di Toulousa* (1300 - ~1370)], and the *Ran* [*Rabbeinu Nissim ben Reuven* (~1320 - ~1380)]. The *Beis Yosef*, on the other hand, chose the three "weightiest" early authorities and made them the basic Halachic ruling "tripod": the Rif [*Rabbeinu Yitzchak "Alfasi"* (1013 - 1103)], the Rambam ["Maimonides" (~1135 - 1204)], and the Rosh [*Rabbeinu Asher ben Yechiel* (~1250 - 1327)]. He generally rules like them over the above-mentioned others, and within themselves he follows two out of three.

Of course, both the *Beis Yosef* and the *Darkei Moshe* also bring from the "minor" early authorities, such as the *Ba'al HaMaor* [*Rabbeinu Zerachyah HaLevi* (~1126 - ~1186)], the *Hagahos Maimonios* [*Rabbeinu Meir HaKohen* (late 1200's)], the *Mahari Veil* [*Rabbeinu Yaakov Veil* (early 1400's)], the *Ohr Zarua* [*Rabbeinu Yitzchak ben Moshe of Vienna* (~1190 - ~1260)], the *Maharik* [*Rabbeinu Yosef Kolon* (~1420 - 1480)], *Rabbeinu Yerucham* [1270 - ~1345], the *Maharil* [*Rabbeinu Yaakov HaLevi* (Siegel) Mullen (~1360 - 1427)], the *Rivash* [*Rabbeinu Yitzchak ben Sheishes* (1326 - 1408)], the *Smag* [*Rabbeinu Moshe of Kutzi* (~1200 - 1260)], and the *Terumas HaDeshen* [*Rabbeinu Yisrael Isserlan* (~1390 - 1460)]. This is appropriate for issues on which the major ones do not rule.

As mentioned, R. Yosef Karo then summarized and codified the conclusions from the *Beis Yosef* in the *Shulchan Aruch* (where he divided each chapter into numbered sections). In response, R. Moshe Isserles wrote

"*hagahos*" ("emendations" or "glosses") to expand slightly on the text of the *Shulchan Aruch*. These reflect his "system for ruling" (as distinct from that of the *Beis Yosef*, as mentioned). But the "*hagahos*" of R. Moshe Isserles (whose text is generally referred to as "the *Rema*") have a separate significance (which also pertains to the above-mentioned "notes" which are what the *Darkei Moshe* "adds" to the *Beis Yosef*):

The rulings and practices of the *Beis Yosef* and the *Shulchan Aruch* are none other than those of the *Sefardi* part of the Jewish world. Similarly, those of the *Darkei Moshe* and the *Rema* are those of the *Ashkenazi* part. One might ask: Did the rulings of the respective compositions determine those practices, or did the practices influence the rulings? The answer to this question actually seems to vary from subject to subject. One thing is clear, however: After the *Shulchan Aruch* appeared, it was accepted as authoritative by the *Sefardi* world; and the combination of the *Shulchan Aruch* and the *Rema* was similarly accepted by the *Ashkenazi* world.

#### DEVELOPMENTS SINCE THEN

Still, the scepter never truly left the hands of the Sages (and the early authorities who explain their words). In the period since the *Shulchan Aruch* and the *Rema*, the "later authorities" [the "*Acharonim*"] not only explained their words, but also questioned them and disagreed with them (in a small minority of cases). This development, as well as the universal downward spiraling of the Torah-learning levels of the generations [see *Eiruvin* 53a], resulted in the frustration of the purpose of the *Beis Yosef* / *Darkei Moshe* and the *Shulchan Aruch* / *Rema*; people could no longer study their words and walk away with a clear authoritative ruling.

R. Yisrael Meir HaKohen [the "*Chafetz Chayim*" (~1839 - 1933)], to solve this problem, compiled the *Mishnah Berurah* (his three-part commentary to the *Shulchan Aruch* / *Rema*). In relatively simple language, he synthesized all the necessary information from all the above periods into a single presentation. What the *Mishnah Berurah* does *not* do is to depict "the story behind the Halacha". That aspect of the *Beis Yosef's* work seems at first glance to be lost to the student of the *Mishnah Berurah*.

In truth, it is not entirely so. The printed page of the *Mishnah Berurah* includes the work of the *Be'er HaGolah* [R. Moshe Ravkash (early 1700's)], notes to the *Shulchan Aruch* - which are usually none other than brief references to the sources according to the *Beis Yosef*. (This work was "extended" by his grandson, R. Eliyahu the Gaon of Vilna [1720 - 1797, also known as "the *Gra*"]. In breathtakingly brief notes, he traces, to the basic "Gemara - Rashi - Tosafos" level, all the Halachos of the *Shulchan Aruch* [those not already sufficiently traced by the *Be'er HaGolah*] and of the *Rema* [to which there are almost no *Be'er HaGolah* notes at all].)

However, for many people nowadays, the study of *Mishnah Berurah* can be absolutely exasperating, for a number of reasons:

(1) For one thing, it was not written in our "mother tongue". The language is not only Hebrew-Aramaic, but actually even Talmudic in style. If the reader is not already familiar with this language and style, he often struggles to grasp the text's meaning accurately.

(2) Many people are not accustomed to keeping up with the flow from *Shulchan Aruch* / *Rema* text to *Mishnah Berurah* commentary, and back, and forth, plugging each comment into its piece of the source text (not to

mention combining that with reading the important clarifications in the other two parts, the *Bi'ur Halacha* and the *Sha'ar HaTziyun*, with each note of those parts also stemming from a particular phrase in the *Shulchan Aruch* or *Mishnah Berurah*). [For students who *have* already succeeded in unraveling all this, R' Chaim Kanievsky {born 1928} wrote the *Shoneh Halachos* so they can *review* more easily, but he himself is the first to point out that the *Mishnah Berurah's* content cannot really be grasped from his re-organized text.]

(3) As for the *Beis Yosef* and his "bridge" between the Gemara and the Halacha, nowadays only the most advanced students can recognize the brief references in the *Be'er HaGolah*, and even the actual study of the *Beis Yosef* itself is only possible for the well-trained scholar. Therefore, the reader of the *Mishnah Berurah* usually has no choice but to memorize the endless details, with no idea of how they fit into the original "big picture".

(4) Finally, people nowadays find it difficult to relate to the ancient form of codified Halacha. Far too often, the case described in the sources is one which would never happen in today's world. People need to see illustrations of how to apply the words of the authorities (and, in effect, the Sages) to the every-day situations of contemporary life.

#### THE DESIGN OF THIS PROJECT (AND HOW IT ADDRESSES THE CURRENT NEEDS)

The project has two main objectives: (1) **To re-organize the material** around the *rulings* of the *Shulchan Aruch* (with *Rema*), the *tracing* of the *Beis Yosef* (and the *Darkei Moshe* and the *Gra*), and the finishing touches of the *Mishnah Berurah* (and some "supplementary" authorities). (2) **To present it all in English**, clearly and understandably; but with as little "original interpretation" as possible, to enable studying as though from the source. Of course, these approaches need to be explained:

The *Shulchan Aruch* (with *Rema*) is considered the universal authority, as a rule. (The rule has exceptions, but that does not prevent it from being a rule.) In this project, the most central text being studied is really that of the *Shulchan Aruch* itself. The division into *simanim* and *se'ifim* is none other than the *Shulchan Aruch's*. In each individual presentation, the "climax" is the translation of the *Shulchan Aruch* (with *Rema*). As the student will notice, the *Shulchan Aruch's* text is extremely concise, but its meaning is clear and instructive after one has seen the background which precedes it. More than any of the rest of this project's material, this is what deserves to be diligently reviewed.

The *Beis Yosef* and the *Darkei Moshe* (and the *Gra*) trace for us the path from the sources to the *Shulchan Aruch*. This often shows that a *se'if* is actually composed of a number of distinct subjects. In our presentation, translations of the sources are generally provided, and the development through the early authorities explained, with each subject kept separate. The order of the subjects generally reflects the order within the text of the *se'if*, so that once the development has been explained, the student is ready for the translation of the *Shulchan Aruch*. Occasionally, the *Shulchan Aruch's* text does not deal with the subjects distinctly from one another, such that the text can only be quoted after a number of subjects have all been developed.

The finishing touches of the *Mishnah Berurah* are usually much simpler to grasp now, as their background has already been painted. The *Mishnah Berurah* itself is largely a synthesis of the "*Beis Yosef*" material, so the entirety of the *Mishnah Berurah's* discussion on a *se'if* is completed relatively quickly in our presentation. After that

point, supplementary material is often presented, most of which draws upon later authorities, describing their analyses of questions which all the previous material may leave the student asking. Sometimes, we present questions without giving answers, and the student is challenged to evaluate the issue on his own (before consulting an expert in Halacha for a practical answer).

The English used here is not formal, and not wordy. This is not a class or a speech. Rather, it is the material itself, i.e. the words of the Sages and the authorities, and anything we add is only what was deemed necessary in order to make those words accessible to the student in English. The Sages and the authorities do not embellish their words, and the reason is obvious: the naked information itself is what is precious, and we cannot allow ourselves to be distracted from it. The transformation into English does require some use of explanatory methodology, but the text must remain a study text, so we refrain from adding interpretation of our own, thus leaving the students to their study.

The above should have clarified how this project intends to provide a more satisfactory tool for the study of this material. However, that does not truly express the deeper purpose of the project, which is to provide a new framework for serious Torah study. Let us explain:

For generations, the almost exclusively Hebrew-Aramaic Torah texts were studied by all educated Jews, and they found in them depth, profundity, and challenge. The Torah itself is clearly oriented toward practical application, and for students who sought this "bottom line", there would be an abundance of texts into which to delve, from which they would finally emerge with Halachic clarity, ready to turn their knowledge into actually living more virtuous lives. Today, many wish to participate in this most beautiful of pursuits, but feel unready - or even unable - to overcome the language barrier. They see before them as the only attainable option - English Judaica. That means reading works which clarify the Halacha, with all the unconnected details, or works presenting source material - translated or elucidated - but always restricted to an elementary level of understanding, and never leading the reader toward practical life. The available works lack the above-mentioned qualities of satisfying Torah study, and this project was conceived to fill that lack.

In closing, we should point out that although this presentation can be studied on its own, it can alternatively be expanded on as well. After all, these texts are the same sources which are being treated by all the other English Torah works, and examining a number of them together will surely result in a blend even greater than the sum of its parts. In any event, we hope this work will engender a significant step forward in the Torah development of contemporary English-speaking Jewry.

#### ADDITIONAL ASPECTS OF THE TEXT OF THIS VOLUME

The more central translations were originally done very literally, in an attempt to capture the wording of the sources as precisely as possible. Those appear here as an appendix, after all of the main text. Then, the translations were adapted, in order to be more manageable, and that is how they appear in the main text. Additional appendices include a special glossary of Halachic "Principles" (for certain concepts which are totally familiar to some, and totally foreign to others), and Bibliographic information about the cited authorities. One final point: In the well-

known "ArtScroll" edition of the Gemara, the pages are sub-divided, with superscripted numbers indicating each subdivision. Those superscripted page numbers have been included in our references to the Gemara sources, in order to make it simpler to examine the Gemara using that edition.

#### ACKNOWLEDGEMENTS

Many have helped me (and continue to help me) in a broad and general way; they are in fact too many to mention here. Therefore, the focus here is on those whose assistance stands out with respect to this specific project, and this volume in particular. I thank R. Yissachar Goodrich, for his enormous contribution to the revision of the text. R. Pinchas Kohler also provided a large amount of such help; and R. Yitzchak Meir Gruen, R. Eliyahu Ehrentrau, R. Avraham Friend, R. Eli Linas, R. Moshe Pessin, and Mrs. S. C. Mizrachi, provided significant assistance as well. My teacher, Rav A. Keele, lent me his guidance with respect to the development of the content. Rav A. Stern gave me much of his time for discussing the Halachos. I hereby express my appreciation to all of them, and also to whomever I may have neglected to list. [There are also individuals who provided significant and timely financial help; the decision has been made not to name them here.]

#### DEDICATION

My dear grandmother, Blanche Lipman (Bayla Rivkah bas Moshe HaLevi), passed away during the weeks of the final preparation of this volume, on the sixteenth of Tishrei, 5769. Her life was filled with both the love and the devotion of nothing less than an angel. Probably her most outstanding product is her family. In the words of the Gemara (*Makkos* 10a), "Anyone who loves abundantly - the produce is theirs." She will be sorely missed by her children, grandchildren, and great-grandchildren, who have now joined the ranks of the less fortunate - those who simply do not have a Grammy.

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***Important Note: This is a text for Torah study.***

**It is not intended to be relied upon for practical rulings.**

**Questions about applying these Halachos in practice must be referred to a qualified expert.**

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**O.C. *siman* 670 : Things that are *Assur* or *Muttar* on the Days of Chanukah****The development of: *Se'if* 1**

## CHANUKAH'S STATUS AS A "YOM TOV"

The Gemara (*Shabbos* 21b<sup>4</sup>):

**Question:** What is [the origin of] Chanukah?

**Baraisa** (from *Megillas Ta'anis*<sup>1</sup>): On the twenty-fifth of Kislev, the eight days of Chanukah [begin]. On these days, one may not eulogize, and one may not fast. [The institution of Chanukah, with this festive nature, resulted from the following:] When the Greeks<sup>2</sup> went into the Beis HaMikdash<sup>3</sup>, they contaminated<sup>4</sup> all of the oil there. [Later,] when the Hasmoneans<sup>5</sup> overpowered and defeated the Greeks, they searched and found only one container of oil, which remained with the seal of the kohen gadol. There was only enough oil in it to light [the Menorah] for one day. [However,] a miracle was performed with it - and they lit [the Menorah] from it for eight days. In the following year, [the Sages of that generation (Rambam)] "established" those days - making them *Yamim Tovim*<sup>\*</sup> with respect to "thanksgiving" and saying *Hallel* [but not as being *assur* in *melacha*<sup>\*</sup> (Rashi<sup>6</sup>)].

Accordingly, the *Shulchan Aruch* starts the *se'if* by ruling: **On the twenty-fifth of Kislev ["begin" (Rema)] the eight days of Chanukah; and they are *assur* in eulogizing and in fasting, but they are *muttar* in *melacha*.**

[The rest of *se'if* 1 follows the next subject. In addition, more about eulogizing and fasting will be discussed in *se'if* 3, and the Halachos of the above "thanksgiving and saying Hallel" are discussed in *siman* 682 and *siman* 683.]

<sup>1</sup> The Sages established a number of holidays because of miracles which happened on certain days. They recorded the details in a work called "*Megillas Ta'anis*". Some of the holidays are listed there as "days that it's [only] *assur* to fast", and the others are described as "days that it's *assur* to eulogize [as well]". Subsequently, almost all of these holidays were cancelled, but Chanukah was not. (*Ta'anis* 15b [with Rashi], *Rosh HaShanah* 18b)

<sup>2</sup> The Hebrew "*Yevanim*" is traditionally translated "Greeks". Whether or not the oppressors of the Jews at the time of the Chanukah miracle should be described as "Greeks" is beyond the scope of this project.

<sup>3</sup> source's wording: "into the *heichal*". (The term "*heichal*" generally refers to the "main Sanctuary building" of the *Beis HaMikdash*.)

<sup>4</sup> I.e. they caused the oil to become *tamay* [non-physically contaminated], and therefore it was no longer valid for the lighting of the Menorah. [As for *how* they caused this, see below.]

<sup>5</sup> source's wording: "Hasmonean family leadership".

<sup>6</sup> The *Gra* writes that in *Megillah* (5b) we see that this is a general rule: When *Megillas Ta'anis* says that a day is a *Yom Tov*, this does not mean to say that the day is *assur* in *melacha*.



The *Beis Yosef* here examines some questions about the story<sup>7</sup>:

(1) One can ask: Even if the container was sealed with the seal of the *kohen gadol*, why was it clear that its oil was not *tamay*? It's true that even if someone *tamay* would *touch* the container on its outside, the container and its oil would not become *tamay* (for an earthenware container cannot be made *tamay* like that - but rather only by contact on its *inside*). However, one should still have to be concerned that it was *moved* - which *would* make it *tamay* (at least if the decree had already been made that non-Jews contaminate like a *zav*<sup>8</sup> - which includes contaminating by moving).

Tosafos's answer: Because of this, we must say that the container was found sealed in the *ground* - which showed that no one had even *moved* it.

The *Ran*'s answer: They definitely didn't even *see* it (and *that's* how we know that they didn't move it), because if they had found it, they would have broken it in order to see if it contained gold or pearls, once they saw that it was sealed with the seal of the *kohen gadol*.

Incidentally, Rashi's wording is: "And he [i.e. the finder] realized that they had not touched it." That sounds like Tosafos's answer. It also could mean what the *Ran* said.

(2) Another question: Why did they need to light from that container for [exactly] eight days?

One can answer: All the Jews had to be considered "*Tamay meis*" [impure by contact with a dead body - see "Principles"], so they needed to wait seven days from when they had been contaminated, and then it would take one day to press the olives and prepare the oil from them.<sup>8</sup>

The *Ran*'s answer: Pure oil was available at a distance of four days' travel from them, so it took eight days for going there and coming back.

(3) One final question: Why did they establish the holiday for all eight days? If the oil in the container was enough for one night, it works out that the miracle was performed only for *seven* nights!

One can answer: They divided the oil in the container into eight parts. Each night they put [only] one part into the Menorah, and [nevertheless] it burned until the morning, so it works out that a miracle was performed on all the nights.

One can also answer: After they put the proper amount of oil into the Menorah - the container remained as full as it was to start with, so the miracle was recognizable even on the first night. **Alternatively:** On the first night - they put all the oil into the Menorah, and its "candles" burned throughout the night, and in the morning they found the Menorah to still be full of oil (and so on for all the nights [except the last])<sup>9</sup>.

The *Mishnah Berurah* adds the following points:

(1) The Rambam's expanded version of the story: During the period of the second *Beis HaMikdash*, when [certain] evil kings ruled, they established decrees upon Israel - blocking them from their religious observance, and not letting them occupy themselves with Torah and Mitzvahs. They also "helped themselves" to the Jews' property and to their daughters, and they went into the *Beis HaMikdash*<sup>10</sup> - and made breaches in it and contaminated "its

<sup>7</sup> This seems unusual for a Halachic work. Perhaps Chanukah is unusual: Since its Mitzvahs are "to publicize the miracle", that makes it important to try to understand what happened.

<sup>8</sup> This answer seems to correspond to the words of the Rambam, who mentions pressing the olives.

<sup>9</sup> It seems that in these last two answers, the first day counts because a miracle *happened* then, but the last day also counts because the "seventh miracle" didn't *accomplish* anything until then.

<sup>10</sup> source's wording: "into the *heichal*". (See our footnote earlier.)

*taharos*" [i.e. those things that were purposefully being kept from becoming tamay]. [In this way,] Israel suffered a lot from them, and they put great stress on the Jews, until the G-d of our Fathers took mercy upon them - and rescued the Jews from their hands, saving them. [At that time,] the Hasmonean *kohanim gedolim* overpowered and killed them, and rescued Israel from their hands, and control returned to Israel for over two hundred years - until the second Destruction. [Finally,] when Israel overpowered and eliminated their enemies - it was the twenty-fifth of Kislev, etc. [At this point, they proceed to describe the miracle, as in the Gemara above.]

(2) The name "Chanukah": It's short for "*Chanu*" ("they rested" from their enemies) *Kaf-Hei* (i.e. on the twenty-fifth). [This is the reason mentioned in the *Ran* (and in the *Machzor Vitry*) and also quoted by a number of other early authorities (such as the *Kol Bo* and the *Tur*). The *Kitzur Shulchan Aruch* adds that in those days they celebrated the rededication ("Chanukah") of the *Beis HaMikdash*, which our enemies had defiled (as discussed under the subject of "Festive meals" in the next *se'if*).]

(3) There is a *minhag* for the poor people to collect *tzedakah* door-to-door on Chanukah.<sup>11</sup>

#### A "MINHAG" NOT TO DO MELACHA

The *Tur* says that if a place has a *minhag* not to do *melacha* throughout the days of Chanukah, then the *minhag* is valid and they cannot be lenient, in keeping with the principle (*Pesachim* 51a) that even when something is *muttar* according to the strict Halacha, it can still be *assur* for some people as a *minhag*.<sup>12</sup> The *Beis Yosef* disagrees: When something has a *component* which is already *assur*, and the people's *minhag* is merely to extend that - for it to be *completely assur*, then the rule from *Pesachim* can apply, because it is as though there were a decree "*Ha Atu Ha*" ["if we'll allow *this*, people will eventually come to do *that*"]. However [concludes the *Beis Yosef*], there's no proof that the rule applies even to something which actually has no shred of being *assur* even partially. This is also what the *Mishnah Berurah* writes; and he also brings from the *Chacham Tzvi* (responsum 89) that therefore one should protest at such a *minhag*, since idleness is an *aveirah* [since it leads to mental instability (*Kesubos* 59b)].

Still, the above is all referring to a *minhag* not to do *melacha* all day. However, the *Tur* writes that it is the *minhag* of women that they do not do *melacha* while the candles are burning, and that this is binding. The *Beis Yosef* says that the *minhag*'s purpose is to be a reminder that it's *assur* to use the candles' light [as discussed below 673:1].

<sup>11</sup> The *Mishnah Berurah* says to see the *Pri Megadim* as to the reason. The *Pri Megadim*'s words were unclear to me, but I feel that this is what he might be saying: The Rambam mentioned the Greeks' abuses in three areas - Torah, "*Avodah*" [the Service of Hashem], and property; so it's proper on Chanukah for us to do Mitzvahs in all these three fundamental areas (see *Pirkei Avos* 1:2): Hallel and "*Al HaNissim*" in the "*Avodah*" of prayer, the "lights" parallel to the Torah [see *Mishlei* 6:23 (quoted below 671:1)], and *tzedakah* with our property.

<sup>12</sup> The Baraisa there (and in *Nedarim* 15a) says that "You can't do something - even if it's *muttar* - in the place of those who have the *minhag* that it's *assur*". This includes two points: (1) that such a "*minhag*" is valid at all, (2) that even someone who *doesn't* have this *minhag* sometimes has to act as if he did. Part (1) is dealt with in *Shulchan Aruch* volume *Yoreh Dei'ah* 214 (by the Halachos of *nedarim*\* - since the above Gemara in *Nedarim* indicates that the obligating power of a *minhag* comes from the principle of a *neder*). Part (2) is dealt with above by the Halachos of Pesach (468:4). [But actually there are two reasons for someone who doesn't have a *minhag* to have to act as if he did: (a) to prevent "*machlokes*" [arguments and discord] between Jews, (b) so those who have the *minhag* won't "learn" from him that they can discard the *minhag*. In the Halachos of Pesach, it's talking about reason (a), based on the Mishnah (*Pesachim* 50b). But our Baraisa (based on the Gemara context) seems to actually be talking about reason (b), which explains why the statement of the Baraisa is basically just a way of saying that such a *minhag* can be valid (so we have to be careful not to "teach" people otherwise).]

Accordingly, the *Shulchan Aruch* continues: **And women have the *minhag* not to do *melacha* while the candles are burning, and "there is someone who holds"<sup>13</sup> that they may not be lenient about this.**

The *Mishnah Berurah* writes that there is also a valid *minhag* "in some places" that men also do not do *melacha* while the candles burn; it's just that the original *minhag* was only for women, because of the miracle that happened through a woman [discussed below in *se'if* 2 - under the subject of "The miracle of the cheese"].

The *Magen Avraham* brings that the relevant time ("while the candles burn") is while burning candles "are to be found" [even if only] in the synagogue (i.e. until around midnight). But the *Mishnah Berurah* writes that the time is while the candles burn in *one's own* house (i.e. about a half hour [as explained below 672:2]).<sup>14</sup>

*We can ask:* (1) There are many versions of "*melacha* being *assur*"; for example, much more is *assur* on Shabbos than on *Chol HaMo'ed*. To what should the *minhag* of "while Chanukah candles burn" be compared?

(2) Below [672:2 by "How much oil is needed", and in 677:4 by "The left-over oil"], we learn that some authorities hold that if the candles continue to burn even after a half hour - then it continues to be *assur* to use their light. According to that, should the *minhag* not to do *melacha* also continue?

### **The development of: *Se'if* 2**

#### FESTIVE MEALS ON CHANUKAH

The Tur<sup>o</sup> brings from the Maharam<sup>o</sup> (of Rottenburg) that the Sages established Chanukah only for "thanksgiving" and saying Hallel [as we see from the above Baraisa], so therefore extra feasting on Chanukah falls into the category of a "non-Mitzvah meal".<sup>15</sup> (The *Beis Yosef* notes that the *Mordechai*<sup>o</sup> in *Pesachim* also brings this Maharam.) On the other hand, the *Darkei Moshe* brings R. Avraham<sup>o</sup> (of Prague) who says that the above Baraisa is only discussing the aspects of Chanukah instituted because of the miracle, but there is a second aspect - the dedication of the *mizbayach*<sup>\*</sup> - which naturally calls for feasting.

This aspect is seen in the Midrash (*Pesikta Rabasi* 6):

**R' Chanina said:** *The work [of manufacturing the components] of the Mishkan<sup>\*</sup> was completed on the twenty-fifth of Kislev, but the mishkan was left unassembled until the first of Nissan (when Moshe assembled it).*

*If so, does this mean that Kislev - when the work was completed - [simply] lost out?*

<sup>13</sup> *Shulchan Aruch* language for a reliable but uncorroborated source.

<sup>14</sup> The Levush<sup>o</sup> brings another reason for the whole *minhag* (in addition to that of the *Beis Yosef*): "So that they won't let their minds wander from remembering the miracle - therefore they make at least that period like a *Yom Tov*." The *Eliyahu Rabbah*<sup>o</sup> comments there, that the *Magen Avraham*'s explanation of "while the candles burn" fits only with *this* reason. If so, it seems that the *Mishnah Berurah*'s words fit together neatly: He brings the *Beis Yosef*'s reason, so of course he won't agree to the *Magen Avraham*'s explanation.

<sup>15</sup> In *Pesachim* (49a), it says that a Torah scholar may not participate in a non-Mitzvah meal. See also *Chulin* 95b.

No! For what is [the meaning of the pasuk\* (*Melachim I 7:51*)] "And it was completed" ["VaTishlam"]? HaKadosh Baruch Hu\* said: "It is My responsibility to pay back ["Leshaleim"] to Kislev".

What did HaKadosh Baruch Hu pay back to Kislev? The rededication of the House of the Hasmoneans. [For then, too, there was an eight day "rededication", since the Greeks had desecrated the Beis HaMikdash\* (*Mishnah Berurah*).]

The *Darkei Moshe* then adds a second point, that the *minhag* is to say a lot of *Tehillim* and other praises at these meals, so that they will be in the category of a Mitzvah meal.

The *Shulchan Aruch* rules like the Maharam<sup>16</sup>: **The extra feastings added on these days are non-Mitzvah meals, for they [i.e. these days] were not instituted for feasting and rejoicing.** But the *Rema* adds the following: **But some hold that the extra feasting is somewhat of a Mitzvah because the dedication of the *mizbayach* was on those days, and the *minhag* is to sing praises at those many meals - and with that they are Mitzvah meals.**

The *Rema's* conclusion of the *se'if* follows the next subject. First, however, *this* part of the *Rema* needs clarification:

The *Rema* included both of the points which he brought in the *Darkei Moshe*, and their relationship is unclear: First, R. Avraham disagreed with the Maharam on the basis of even the mere fact that Chanukah is the time of the dedication of the *mizbayach* - praise or no praise. The second point is the *minhag* to sing praises in order that the meals be Mitzvah meals. Can the *Rema* be ruling like *both* points? The *Mishnah Berurah* brings that our accepted ruling is like "the 'some hold'," indicating that he only sees *one* position (which he then describes as recognizing "the combination"). How can we understand all of this?

It seems that we have to see a difference in what the *Rema* called "the extra feasting is 'somewhat of a Mitzvah'," as opposed to his second phrase, "they *are* Mitzvah meals." Apparently, just because it's "somewhat of a Mitzvah" to feast at a certain time, that isn't enough to *automatically* redefine the meals held at that time (transforming them into "Mitzvah meals"), *regardless* of how they are conducted. On the other hand, *how* a meal is conducted does not necessarily make the meal a "Mitzvah meal", either. Therefore, in order to change the status of Chanukah meals, we add the "praises", so that "how" the meal is conducted is *also* "somewhat of a Mitzvah". Now the *Mishnah Berurah's* interpretation of the *Rema* is clear: This "combination" of a semi-Mitzvah "how" and a semi-Mitzvah "when" results in a true "Mitzvah meal".

The *Bi'ur Halacha* brings that in any case, one's Chanukah rejoicing should be combined with "the joy of Torah" - and one should not cancel fixed study times. All the more so, he concludes, one must be careful not to abandon the praises of Hashem in favor of frivolousness such as gambling<sup>17</sup>.

<sup>16</sup> The Rambam calls Chanukah "days of joy", which normally should imply that it's a Mitzvah to have festive meals. It seems strange that the *Beis Yosef* totally ignores this Rambam. But the *Mishnah Berurah* uses these words of the Rambam to describe "why it's *assur* to eulogize or fast" on Chanukah, implying that *this* is his understanding of that Rambam (and the Rambam does *not* mean that it's a Mitzvah to have festive meals). [Perhaps we can also similarly interpret the words of the Rashba<sup>o</sup> (in responsum 1:699) that on Chanukah "there is joy and pleasure".]

<sup>17</sup> Once we're talking about "how to spend the time" on Chanukah: (1) The *Kitzur Shulchan Aruch*<sup>o</sup> adds that one should tell the story of the miracles of Chanukah to his household. (2) The *Divrei Yatziv*<sup>o</sup> (O.C. 283:5) [the Klausenberger *Rebbe*] mentions the *minhag* to play with a

The *Gra* attributes to the Maharshal<sup>o</sup> the principle of using "praising" to transform a meal into a Mitzvah meal. In addition, the *Mishnah Berurah* brings that this works even by a marriage of a Torah scholar's daughter to an unlearned man [i.e. the "model" non-Mitzvah meal from *Pesachim* 49a], and that the rule is that whenever a meal is for the purpose of praising Hashem, or publicizing the miracle (or the relevant Mitzvah of the time), then it's a Mitzvah meal. The *Pri Megadim*<sup>o</sup> protests: If that would be true, people would create such leniencies for *any* meal (and he points out that the *Chavos Ya'ir*<sup>o</sup> made a similar statement). But the *Mishnah Berurah* himself must hold that such "supplementing" only works "by combination" with the timing, as explained.

As for why Chanukah *isn't* like Purim (where feasting is even *required*), the *Mishnah Berurah* brings the explanation of the Levush<sup>o</sup>: On Purim, the Jews' bodies were saved ("for even if Heaven forbid they would have abandoned their religion - he [i.e. Haman] would not have accepted them"), so our "thanksgiving" is with our bodies; but on Chanukah it was the Jewish *religion* that was saved (for that's all that Antiochus was decreeing against - as we say "to make them [i.e. the Jews] forget Your Torah and to separate them [i.e. the Jews] from the rules that You want" - so long as the Jews would also submit to his rule and give him taxes), so we *show* Him how thankful we are for *that*.<sup>18</sup>

#### THE MIRACLE OF THE CHEESE

The *Kitzur Shulchan Aruch*<sup>o</sup> (139:3) brings the story [also in the *Kol Bo*<sup>o</sup> (44), the *Ran*<sup>o</sup>, and the *Mishnah Berurah*]:

*The decree was terrible upon the daughters of Israel, for the Greeks had decreed that any woman engaged to be married<sup>19</sup> must have relations with their official first. [In the end,] the miracle was performed through a woman: The daughter of Yochanan the Kohen Gadol [whose name was Yehudis (Kol Bo)] was very beautiful, and the enemy ruler demanded that she lie with him. [In response,] she told him that she would fulfill his request, and she fed him cheese dishes so that he would get thirsty and drink wine and become drunk - and consequently go to bed and fall asleep. [In fact,] that's [exactly] what happened; and she cut off his head and brought it to Yerushalayim, and when the [enemy] forces<sup>20</sup> saw that their ruler was lost - they ran away.*

The *Darkei Moshe* brings the *Ran* in *Shabbos* (by page 10a of the Rif), who says [as does the above *Kol Bo*] that there is a *minhag* to eat cheese on Chanukah, to commemorate this miracle of Yehudis.

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"Dreidel" (he refers to *B'nei Yissaschar* Kislev/Teves 2:25 as the original source), explaining that in the time of the Greeks, when the Jews gathered for a Mitzvah - they would play "Dreidel" in order to trick the Greeks).

<sup>18</sup> It also seems appropriate to mention the answer of the Bach<sup>o</sup>, which actually fits together with the Levush's beautifully: On Purim the sin which caused the decree was that the Jews enjoyed the feast of the wicked king, but on Chanukah it was because they slacked off in their Service of Hashem.

<sup>19</sup> *Mishnah Berurah's* version. The *Kitzur Shulchan Aruch's* version is: "virgin who is to be married".

<sup>20</sup> *Kol Bo's* version. The *Kitzur Shulchan Aruch's* version is: "their general".

Accordingly, the *Rema* concludes the *se'if*: **Some hold that one should eat cheese on Chanukah, because the miracle was performed with the milk<sup>21</sup> which Yehudis fed the enemy.**

**The development of: *Se'if* 3**

MORE ABOUT EULOGIZING ON CHANUKAH

The Gemara (*Mo'ed Kattan* 27b<sup>1</sup>):

*The Mishnah taught that it's Assur to eulogize on a "festival" [even Chol HaMo'ed].*

**Rav Pappa said:** *The [above] status of "festival" cannot oppose a Torah scholar [i.e. he in fact can be eulogized then (Rashi)], and all the more so [it is clear that eulogizing a Torah scholar is muttar] on Chanukah or Purim.*

**To clarify:** *This is true about [eulogizing him] "before him" [i.e. where the body is], but when "not before him" - then it's assur to eulogize even a Torah scholar.*

**The Gemara asks:** *How can that be? Didn't Rav Kahana eulogize Rav Zevid of Nehardea at Pum Nahara [i.e. not where the body was, though it was one of the above days]?*

**Rav Pappi answered:** *That was on the day the report was heard, and that itself is comparable to [eulogizing] "before him".*

Accordingly, the *Shulchan Aruch* rules: **Eulogy is assur then [i.e. on Chanukah], except for [eulogizing] a Torah scholar "before him".** The *Rema's* addition follows the next subject. [Actually, the above is mainly dealt with in *Shulchan Aruch* volume *Yoreh Dei'ah* (401:5), and in the Halachos of *Chol HaMo'ed* above (O.C. 547:6). This Halacha is also brought below in the Halachos of Purim (O.C. 696:3), and some of the points that are mainly dealt with over there can be applied here as well.]

This is all that the *Shulchan Aruch* says explicitly about the Halachos of death and mourning on Chanukah. As for the Halachos of mourners, the *Beis Yosef* implies that they apply fully on Chanukah (as opposed to on Purim [as is explicit in the *Shulchan Aruch* below 696:4]), and so writes the *Mishnah Berurah*. The latter also writes that an *onen* [one whose relative is not yet buried - see "Principles"] lights Chanukah candles by himself - but only if he's the only member of the household who's home (and even then he may not say the *bracha*). [As for whether a mourner can be the "*chazzan*"\* on Chanukah, see below (671:7).]

Concerning *Tziduk HaDin* [formal "acceptance of the judgment" - see "Principles"], the *Rema* refers to "above *siman* 420"; the *Mishnah Berurah* brings from there that [according to the Ashkenazi *minhag*, codified by the *Rema*] it is not said on any "days when *Tachanun* is not said" [see "Principles"], so that includes Chanukah [as discussed below in *siman* 683], but he adds that one *does* say *Tziduk HaDin* on the day before or after Chanukah.

[As for whether it's *muttar* to fast or eulogize one day before or after Chanukah, the *Mishnah Berurah* refers to the Halachos of Purim (O.C. 686:1).]

<sup>21</sup> The *Kitzur Shulchan Aruch* also switches to "milk" at the end; I have no explanation for this.

## MORE ABOUT FASTING ON CHANUKAH

If the *yahrtzeit*\* of one's father or mother fell on Chanukah, can he fast? The *Darkei Moshe* brings a source for a *minhag* to fast until midday, but he himself does not recognize it as an accepted *minhag*.

To address this question, the *Gra* cites the following Gemara (*Rosh HaShanah* 18b<sup>4</sup>):

[Chanukah is one of the holidays listed in *Megillas Ta'anis* (as seen from the Gemara brought above in *se'if* 1). One position in the Gemara here holds that after the Destruction, the holidays of *Megillas Ta'anis* were cancelled<sup>22</sup>.]

**Rav Kahana challenged** [that position - by quoting the following *Baraisa*]: It happened [once] that the people of Lod decreed a fast day [over lack of rain] on Chanukah; and in response, R' Eliezer went to the bathhouse and bathed, and R' Yehoshua went to the barber and had a haircut (activities which are *assur* on such fast days<sup>23</sup>), and they said to the people: "Now you shall have to fast over the fact that you fasted!" [And their days were after the destruction!]

**Rav Yosef's original answer:** Chanukah is different, because there is a [unique] *Mitzvah* [in connection with it].

**However, Abbaye challenged that answer:** So let Chanukah be cancelled [i.e. along with the other holidays of *Megillas Ta'anis*], and let its *Mitzvah* be cancelled [with it]!

**So Rav Yosef retracted and instead answered:** Chanukah is different, because its miracle is publicized [to the Jews (through its *Mitzvahs*) - to the point of treating it as though it were Torah-mandated - so it's not proper for it to be cancelled (*Rashi*)].

Consequently, says the *Gra*, "all the more so" it's clear that it's *assur* to fast "just" for a *yahrtzeit*. [However, I don't understand why this would prove that it's *assur* to fast even only until midday.]

Accordingly, the *Rema* adds to the *se'if*: **And it's *assur* to fast [over its being] the day of one's father's or mother's death; And concerning if one fasted on Chanukah because of a dream, see above [O.C.] *siman* 568 *se'if* 5; And concerning *Tziduk HaDin* [an issue raised under our previous subject], see above in the Halachos of *Rosh Chodesh* (O.C. 420), and see below *siman* 683.**

The *Mishnah Berurah* writes that if one *did* fast on Chanukah, we apply the principle that one fasts an "atonement fast" over having fasted [like in the case of a dream, which the *Rema* referred to].<sup>24</sup>

<sup>22</sup> This is mainly dealt with in the Halachos of fasting (O.C. 573). Another relevant location is below in the Halachos of Purim (O.C. 686:1).

<sup>23</sup> So deduces the *Ra'avyah* (3:854); see *Ta'anis* 12b.

<sup>24</sup> This also seems to fit with the instructions that were given in the above *Baraisa*. However, *Rashi* says that there it only means to repent.

**O.C. *siman* 671 : The Basic System of Chanukah Candles (and their location)****The development of: *Se'if* 1**

ONE SHOULD TAKE THE MITZVAH OF LIGHTING CHANUKAH CANDLES VERY SERIOUSLY

The Gemara (*Shabbos* 23b<sup>2</sup>):

**Rav Huna said:** *If someone is "ragil" [i.e. regular and persistent] concerning the Shabbos and Chanukah "candles",<sup>1</sup> he will have sons who are Torah scholars.*

**[Rashi explains:** *We derive this from the pasuk\* (*Mishlei* 6:23): "A Mitzvah is a 'candle' - and the Torah is light"; i.e. the light of the Torah will come through these Mitzvah "candles".]*

The Tur<sup>o</sup> seems to equate the language of being "ragil" with being "zahir" [i.e. careful and serious].

Accordingly, the *Shulchan Aruch* starts the *se'if* by ruling: **One must be very "zahir" [i.e. careful and serious] concerning the lighting of the Chanukah "candles".**

The *Mishnah Berurah* writes in the Halachos of Shabbos candles (O.C. 263 n2) that the candle-lighting is an opportune time to pray for Torah greatness in one's children. Perhaps the same should apply on Chanukah as well (since it's based on the same source).

HOW SERIOUSLY ONE SHOULD TAKE THE MITZVAH (FINANCIALLY)

The proper financial approach to Chanukah candles is not discussed by the Gemara explicitly. Therefore, we need to examine the sources which discuss other Mitzvahs:

The Mishnah in *Pesachim* (99b<sup>1</sup>) and the Gemara (below 112a<sup>2</sup>):

**The Mishnah says:** *Even the poorest Jew - the Tzedakah administrators shall not provide him with fewer than four cups of wine [for the night of Pesach]. [Furthermore,] even if his support is from the "tamchui" (the daily ready-made food tzedakah system<sup>2</sup>); [still, if the tzedakah administrators do not provide him with the four cups, then he should borrow the money or sell his clothing or hire himself out (Rashbam<sup>o</sup>)].*

**The Gemara asks:** *But that's obvious! [Why would we think he's exempt?]*

**The Gemara answers:** *The Mishnah needed to say this, in order to teach that it's true even according to R' Akiva. For when it comes to Shabbos meals, R' Akiva said: "Even if it means making your Shabbos like a weekday, don't be dependent upon others [i.e. for tzedakah]"; so the Mishnah is saying that*

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought in *se'if* 3 below.

<sup>2</sup> See *Pe'ah* 8:7, *Shabbos* 118a. The Halachos of this system are mainly dealt with in *Shulchan Aruch* volume *Yoreh Dei'ah siman* 256.



here [by the four cups], for the sake of publicizing the miracle [of the Exodus], R' Akiva also agrees [that even such extreme financial measures are called for].

**A Baraisa of the House of Eliyahu<sup>3</sup> taught:** Even though R' Akiva said "Even if it means making your Shabbos like a weekday, don't be dependent upon others", nevertheless, even such a person does have to prepare a little something [extra for Shabbos] in his home.

**Rav Pappa explained:** A correct fulfillment of that "a little something" would be "kasa d'harsena" [small fish fried in their own oils and with flour (Rashi to Shabbos 118b)].

With this material, we can approach two explanations of the Rambam, who says (Chanukah 4:12) that in the case of Chanukah candles as well, "even if one only has [food] to eat from *tzedakah* [sources], he 'asks [of others]' or sells his garment, and [thereby] purchases oil and candles."

The *Beis Yosef* explains this by working with the first half of our Gemara: Since Chanukah candles are also in the category of "publicizing the miracle" [Shabbos 23b - discussed below 678:1], it follows that one would have to do the things the Rashbam listed - for Chanukah candles as well.

The *Gra* explains it with the second half of the Gemara, because we see: (1) that one has to take such measures of "being dependent upon others" (if necessary) in order to have "*kasa d'harsena*" on Shabbos; (2) in *Pesachim* (105b), it says that the Mitzvah of saying *kiddush* (on Shabbos using "a cup" of wine or the like) takes precedence<sup>4</sup> over the Mitzvah of "honoring Shabbos" [with one's dining] - whose minimum is defined in *Shabbos* (118b) as being the same above-mentioned "*kasa d'harsena*", (3) in *Shabbos* (23b), it says that Chanukah candles take precedence over *kiddush* [as discussed below 678:1]; so from all this it follows that one *certainly* has to "be dependent upon others" for Chanukah candles (if necessary).

Accordingly, the *Shulchan Aruch* concludes the *se'if*: **And even a poor person supported by *tzedakah* "asks [of others]" or sells his garment, and [thereby] purchases oil to light.**

Some details need to be clarified:

(1) The *Shulchan Aruch* left out "hiring oneself out" (as did the Rambam). This is especially noteworthy, since above in the Halachos of Pesach (O.C. 472:13 [by the four cups]), they *did* mention it. The *Sha'ar HaTziyun* writes that some hold that Chanukah candles are in fact less stringent, and they do *not* call for hiring oneself out. However, in the *Mishnah Berurah* he rules like those who say that these two areas *must* be equivalent, since the Halachos of the one are being derived from the Halachos of the other.

(2) The language "ask of others" (also from the Rambam) is unclear. Normally, the Hebrew word "*sho'ayl*" refers to borrowing something with the understanding that *it itself* should be returned (not a substitute or money),

<sup>3</sup> In *Kesubos* 106a, the Gemara tells the story of two sets of Baraisas which Eliyahu [the prophet] taught Rav Anan (the *Amora*). This seems to refer to our Midrashic work "*Tanna d'bei Eliyahu*" [which is precisely the wording of our Gemara]. In the first set (chapter 26), we find a statement very similar to the quotation in our Gemara, but ending with: "nevertheless, [such] a person should get [himself] a little meat and a little wine."

<sup>4</sup> This Halacha is mainly dealt with above in the Halachos of Shabbos (O.C. 271:3).

which can't fit here [because the oil or candles are to be burned]. In the Halachos of the four cups, the term "*loveh*" is used (which refers to borrowing money, or anything where it's the monetary *equivalent* that's to be returned). To address this, the *Mishnah Berurah* explains that the intent of "ask of others" is to include door-to-door charity collecting.<sup>5</sup>

(3) From our Halacha it would sound as though the poor are on their own when it comes to a Mitzvah. The *Bi'ur Halacha* explains that actually, the *tzedakah* administrators have to supply the poor with Chanukah candles (like by the four cups) [in *addition* to their regular needs]; it's just that the authorities here are *focusing* on what the poor person will have to do *if* this extra help was not given.

(4) The *Mishnah Berurah* writes that all this is only true of the basic obligation of one candle per night [see the next *se'if*].

### The development of: **Se'if 2**

#### HOW MANY CANDLES TO LIGHT EACH NIGHT

The Gemara (*Shabbos* 21b<sup>2</sup>):

**The Rabbis taught in a Baraisa:** The basic Mitzvah of Chanukah "candles"<sup>6</sup> is to light every night just one "candle" - and this suffices for any man and his entire household. On the other hand, when it comes to people who are "Mehadrin" [i.e. "Mitzvahs pursuers" (Rashi) or "Mitzvah enhancers" (Rabbeinu Chananel and others)], a separate candle is lit for each person in the household. Finally, there are the "Mehadrin of the Mehadrin" [i.e. those who are "the most" Mehadrin]: Beis Shammai say that for the first day these people light **eight** candles and from then on they constantly **decrease** the number from night to night, and Beis Hillel say that for the first day they light **one** candle and from then on they constantly **increase** the number from night to night.

**Ulla said:** Two Amora'im "in the west" [i.e. in the Land of Israel], R' Yose bar Avin and R' Yose bar Zevida, disagree about how to explain the above disagreement: **One said** that the reasoning of Beis Shammai is to keep the number of candles equal to the number of days that are "coming in" [i.e. that are "on the way"], and that the reasoning of Beis Hillel is to keep the number of candles equal to the number of days that are "going out" [i.e. those that have **already** arrived]<sup>7</sup>; **And the other one said** that the reasoning of Beis Shammai is to follow the pattern of the bull-offerings of Sukkos [which decrease in number each day of Sukkos], and that the reasoning of Beis Hillel is to go by the rule that "we 'raise things up' in holiness and we do not 'lower' them" [see "Principles"].

<sup>5</sup> It does seem that borrowing money must *also* be called for, based on the logic just mentioned (to compare Chanukah candles to the four cups).

<sup>6</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought in *se'if* 3 below.

<sup>7</sup> "So that everyone should know and remember how many days 'have passed' with the miracle continuing, and when they recall this fact - that the miracle lasted so long - this publicizes the miracle and enhances the praise of Hashem" (*Bi'ur Halacha*).

[**Note:** From here on, the method of the "*Mehadrin* of the *Mehadrin*" will be called "*MaxMehadrin*", and the concept of following the number of days "coming in" or "going out" will be referred to as following "which day it is".]

The Rambam lists all three levels, calling *MaxMehadrin* "the choicest way". The Tur<sup>o</sup> and *Shulchan Aruch* leave out all but *MaxMehadrin* [as quoted soon]; but the *Mishnah Berurah* writes what the "basic" Halacha is, explaining that *MaxMehadrin* is actually just the appropriate system for anyone who can *afford* it [and so it follows that *Mehadrin* should be done by those "in the middle", who are able to do no more than *that*].

However, there's a basic disagreement about *MaxMehadrin*:

Tosafos (*Shabbos* ibid.):

*[One might assume that MaxMehadrin is built on Mehadrin; i.e. that on the first night one candle for each person is lit, and twice as many on the next night, etc. However:]*

*"The Ri" holds that when Beis Shammai and Beis Hillel teach "the best method" [i.e. MaxMehadrin], this is only built on the level called "a candle for a man and his household"; for that way it's a greater enhancement of the Mitzvah, since it's recognizable - when one constantly increases or decreases - that it's according to the number of days "that are coming in" or "that are going out". Conversely, if one lights a candle for each person, then even if he would increase from then on - it would not be recognizable [that it's being done according to "which day it is"], for onlookers would merely think that there are that many people in the house.*

In the Rambam, when he explains *MaxMehadrin*, he follows the approach "one might assume" (his example concludes with lightings of sixty, seventy, and eighty candles in one house), and the *Darkei Moshe* writes that this is "the [*Ashkenazi*] *minhag*". However, afterwards the Rambam declares that "the *minhag* that's accepted throughout our Spanish cities" is different, and he proceeds to outline the same position as Tosafos.<sup>8</sup> The *Beis Yosef*, as well, points out that this is the *minhag* of "the [*Sefardi*] world".

The *Darkei Moshe* then brings from R. Avraham<sup>o</sup> (of Prague) that "nowadays" even the *Ashkenazi minhag* can be reconciled with Tosafos's approach, for two reasons: (1) "Nowadays we light indoors" [as discussed below in *se'if* 5], so we don't have to be concerned about people "misunderstanding" the number of candles, since everyone *inside* the house knows how many people are in it. (2) Once we're lighting indoors, we don't need to have all the candles "right by the entrance" [see below *se'if* 7]; rather, each person's candles can be in a separate and distinct place, which makes "which day it is" recognizable even for an "outsider".<sup>9</sup>

Since the Halacha always follows *Beis Hillel*<sup>10</sup>), the *Shulchan Aruch* rules: **How many "candles" does one light? On the first night one lights one ["candle"], [and] from then on one constantly increases [the amount by] one**

<sup>8</sup> The *Be'er HaGolah*<sup>o</sup> explains that what the Rambam wrote in the previous lines was "how he himself understands the Gemara."

<sup>9</sup> The *Darkei Moshe* understands (as we will soon see in the *Rema*) that in *Mehadrin*, each person lights "their own" candles. That's the basis of his point here. A straightforward reading of the Rambam, however, would indicate that the *head* of the household lights more candles by *himself* - it's just that the *number* corresponds to the number of people. Still, it's not so clear that there is any fundamental disagreement between them, because it's possible to understand that the Gemara intends for *both* ways to be valid (just that one way might perhaps be *better* - at least some of the time), and it seems that the *Darkei Moshe* and/or the Rambam may actually understand the Gemara that way.

<sup>10</sup> See Eiruvin 6b and 13b.

"candle" each night, to the point that on the last night there will be eight; And even if the members of the household are many, they do not light more. However, the *Rema* follows this by writing: **But some hold that each member of the household should light, and that is the established [Ashkenazi] minhag; And they should take care that each [person] light his candles in a distinct place<sup>11</sup>, so that it will be recognizable how many candles are being lit [by each person].**

The *Bi'ur Halacha* brings from the *Eliyahu Rabbah*<sup>o</sup> that Tosafos's concern only applies *after* the first night. But then he brings that the *Magen Avraham*<sup>o</sup> holds that people must light in separate places even on the first night (because of "*lo plug*" ["no distinction is made" - see "Principles"]), and in the *Sha'ar HaTziyun* [n16] he seems to rule that way (except for under difficult circumstances).

The Rif<sup>o</sup> brings the Gemara's statement (of Rabbah bar bar Chanah in the name of R' Yochanan) [*Shabbos* ibid.]: "Two elders were in Sidon; one did [the lighting] like *Beis Shammai*, and one did [the lighting] like *Beis Hillel*; [the first] one explained himself [as being] 'parallel' to [i.e. following the pattern of] the bull-offerings of Sukkos, and [the other] one explained himself [by the principle] that 'we raise things up in holiness and we do not lower them'." The Rif's whole basic approach is to copy over only those Gemaras which are relevant to the practical Halacha - so why did he bring this?

The *Gra* explains that the Rif understood that Tosafos's concern, that the *MaxMehadrin* be recognizable, fits only the reasoning "according to the number of days that are going out". (Tosafos in fact only mentioned that approach.) Given that approach, it's noteworthy that R' Yochanan said the reason is "to go up in holiness"! So we can interpret that R' Yochanan (and the Rif who brings his words) comes to *rule* that there is *no* concern of recognizability (like the *Ashkenazi minhag*).<sup>12</sup>

The *Bi'ur Halacha* says that theoretically one could have explained the Rif as follows: Although we definitely follow *Beis Hillel*, it nevertheless could be that this is only true about the *obligations* of the Halacha; whereas when it comes to something which is a mere "*enhancement*", maybe it's possible to follow *Beis Shammai*. If so, the *Bi'ur Halacha* continues, then perhaps the Rif is proving from R' Yochanan's statement that in fact one *can* follow *Beis Shammai* concerning "enhancements"; because it would appear that the "two elders" were in R' Yochanan's time (i.e. *after* the general ruling to follow *Beis Hillel* was already established), and so we see that since *MaxMehadrin* is merely an "enhancement" of the Mitzvah, one could follow *Beis Shammai*. (However, the

<sup>11</sup> As to how far apart is considered "distinct", see the *Mishnah Berurah* about opposite ends of our "*menorahs*" (next *se'if*).

<sup>12</sup> The *Beis HaLevi*<sup>o</sup> (in his notes on Chanukah) challenges the *Gra's* approach: If so, how will *Tosafos* interpret R' Yochanan's statement as having any practical effect? After all, surely *Tosafos* agrees with the accepted principle that the Halacha is always like R' Yochanan (except against the "later" *Amora'im*)! He answers that *Tosafos's* approach is as follows: Really, *both* explanations of *MaxMehadrin* agree that the main "enhancement" is to parallel "which day it is", which means that this will have to be recognizable. The only question was, why do *Beis Hillel* and *Beis Shammai* disagree about *which direction to count in*? So, one position is that each one holds "their direction" is the *essentially* better choice (so then *that's* how we describe each one's "reasoning"), and the other position is that *essentially* the two directions are *equally* good choices - so we need an *external* factor to decide between them (and then *that's* how we describe each one's "reasoning").

To me, it seems that the *Gra* and *Bi'ur Halacha* understand that *Tosafos* could hold that R' Yochanan's statement has no *practical* effect at all. After all, they only seem to be *looking* for such an effect in order to explain the *Rif*.

*Bi'ur Halacha* concludes, all this is only theoretical; i.e. since no authority ever suggested such a thing<sup>13</sup> - consequently this approach cannot be considered relevant to the practical Halacha in any way whatsoever.)

Rav Shlomo Kluger<sup>o</sup> (in *HaElef Lecha Shlomo* O.C. 380 & his notes to the *Shulchan Aruch* here) points out:

If someone lit two candles on the first night, he still fulfilled the Mitzvah. After all, the *Rema* says in the Halachos of Shabbos candles [263:1] that one may add to a number that was chosen to be parallel to something - and it's only *subtracting* that he shouldn't do; so here too, what he added doesn't hurt. [Note: This seems to imply that even if he lit three on night two, he still fulfilled *MaxMehadrin*.]

#### IF ONE CAN AFFORD *MAXMEHADRIN* ONLY WITH WAX CANDLES

The *Mishnah Berurah* writes that *MaxMehadrin* with wax is better than the basic one-per-night with olive oil. However, in the *Sha'ar HaTziyun* he says that "the Binyan Olam" holds that lighting one olive oil "candle" on the first night (which *for the moment* is the "best enhancement" by *all* counts) takes precedence over buying many wax candles to enable *MaxMehadrin* for the other nights. [The implication is that this position understands that "olive oil today" always outweighs "*MaxMehadrin* tomorrow", but it's not clear.] However, see below (673:1) for more about "which oils and wicks one lights with".

#### OTHER PRIORITY BALANCES (e.g. limited oil)

We learn below (672:2) that one has to make sure that the Chanukah candles have "the correct amount" of oil (in order to last the right amount of time). The *Mishnah Berurah* here writes that it's better to do the basic one-per-night with that "correct amount" than to do *Mehadrin* or *MaxMehadrin* with less. Also, to provide the basic one-per-night for someone else outweighs fulfilling *MaxMehadrin* yourself. (However, fulfilling *MaxMehadrin* yourself outweighs enabling a "household member" to "light separately" [i.e. *Mehadrin*]<sup>14</sup>.)

The *Mishnah Berurah* also writes that if someone only has enough for nine "candles", then he should "light extra" on the second night only. In addition, he writes that the same is true if he has ten "candles". (The *Chayei Adam*<sup>o</sup> explains: because to light two on the third night wouldn't fit with *anyone's* position.) [It seems to me that these rulings are referring to wax candles (which can't be divided up any way other than how they already are), because when it comes to oil, the *Mishnah Berurah* says that once the person prepares *one* "candle" with the "correct amount" he then divides up the rest of his oil (i.e. as much as necessary) to reach *MaxMehadrin*.]

The *Beis HaLevi*<sup>o</sup> writes (in his notes on Chanukah): According to the above reason "we raise things up in holiness and we do not lower them," logic would dictate that besides the "enhancement" of lighting according to *exactly* "which day it is", there should also be a lower level of "at least not *lowering*" the number.

<sup>13</sup> However, in the Mossad HaRav Kook edition of the Ritva<sup>o</sup>, he actually explains R' Yochanan exactly like the *Bi'ur Halacha*.

<sup>14</sup> Actually, according to the approach of the *Rema* (and the Rambam), the Gemara's version of *MaxMehadrin* is not really possible in such a case (so this ruling is a bit surprising).

That could be a reason to disagree with the above ruling about someone with ten "candles", because now we'll say that on the third night he should light two "candles" - so he won't be "lowering" from the two he lit the night before.<sup>15</sup>

The *Avi Ezri*<sup>o</sup> [to the Rambam, Halachos of Chanukah 4:1] has yet a third position. He disagrees with the ruling about ten "candles", saying that one should always "do the enhancement however much he can." [This would seem to mean that even if someone had a total of twelve "candles", which enables him to light three on the third day but no more than two on the fourth [since he needs to leave his last four "candles" for the remaining four days], then he *should* light two on the fourth day (although the *Beis HaLevi* would presumably agree that *here* there's no point in lighting the second one, since lighting two is *still* "lowering").]

#### WHICH MEMBERS OF THE HOUSEHOLD ARE "INCLUDED" WITH THE LIGHTING OF THE HEAD

The *Mishnah Berurah* writes that according to the *Ashkenazi minhag*, the only member who does not light separately is one's own wife (because "*ishto k'gufo*" ["one's wife is like his own person" - see "Principles"]).<sup>16</sup> In contrast, according to the *Sefardi minhag* (or if an *Ashkenazi* is only *able* to light the basic one-per-night), even adult children and household help are included - as long as they are permanently "eating at his table" [i.e. they are provided for by him]. (However, this subject is actually discussed more fully in *siman 677*, which deals with the issues of "guests".)

### The development of: **Se'if 3**

#### A "CANDLE" WITH TWO "MOUTHS"

The Gemara (*Shabbos 23b*<sup>1</sup>):

*[In the olden days, they used earthenware "candle" vessels. These were covered, and a person would make a hole through the cover at one end - in order to insert the wick through it - and that hole is called the "mouth". Higher up from the top of the cover there would be an opening with space through which a person would pour the oil - and it would go in bit by bit through that hole. (Rashi)]*

***Rav Yitzchak bar Redifah said in the name of Rav Huna: A [similar] "candle" which has two "mouths" [i.e. it has holes at both ends (Rashi)] counts for two people [i.e. for the "Mehadrin" who have a candle for each person]<sup>17</sup> (Rashi).***

Regarding what case the practical application of "counting for two people" is to be found in, the Tosafos disagrees with Rashi, saying instead that the Gemara is referring to a courtyard which has two houses that open into it. (The idea

<sup>15</sup> However, in an earlier footnote we brought that the *Beis HaLevi* himself explains that the approach of Tosafos is that the *main* idea of *MaxMehadrin* is to go according to "which day it is" (just that "we raise holiness" tells us how to *choose* in which direction to count); and according to *that* approach, perhaps there would be no Mitzvah to add one "candle" for the *sole* purpose of avoiding "lowering".

<sup>16</sup> The *Mishnah Berurah* to 675:3 (n9) implies that *any* woman can be "included" with the men of the house (just that she *can* choose to light [with a *bracha*]); but in the *Sha'ar HaTziyun* (ibid. n10), he implies that there, too, the reference is actually to married couples. [See our discussion there, somewhat at length.]

<sup>17</sup> This was explained in the previous *se'if*.

is that then both households' candles are lit at the same location - the entrance to the courtyard - like Tosafos's own position on this point in *se'if 5* below).

On the other hand, the Tur<sup>o</sup> says that the application of this Halacha is for fulfilling "*MaxMehadrin*" [the "enhancement" of adding another candle each night (discussed in the previous *se'if*)] - i.e. from the second night on. Note that this does not fit into the Gemara's words, "for two people" (which the Tur leaves out).

The *Shulchan Aruch* rules simply: A "**candle**" which has two "**mouths**" counts for two.

The *Gra* explains that the Tur is not really disagreeing with Rashi's or Tosafos's explanations of the Gemara *itself*. [As mentioned, the Tur's application doesn't even fit into the Gemara's *words*.] It's just that nowadays everyone fulfills *MaxMehadrin*, so in practice there's no such thing as "a candle for each person" (since the Tur follows the position that fulfilling *MaxMehadrin* means *not* fulfilling *Mehadrin* [as we saw in the previous *se'if*]). On the other hand, "nowadays we light indoors" [as discussed below in *se'if 5*], so Tosafos's application is not really practical for us either. [Accordingly, the Tur found a *novel* application for the *principle* of our Halacha, i.e. fulfilling *MaxMehadrin*.] Nevertheless (concludes the *Gra*), the *Shulchan Aruch* does *not* need to limit himself to the Tur's application, because the *Shulchan Aruch* does not adopt the point of view that nowadays "everyone" lights indoors<sup>18</sup>, and that's why the *Shulchan Aruch* states our Halacha simply, without any explanation

The *Mishnah Berurah* discusses the question: According to the *Ashkenazi minhag* that *MaxMehadrin* also includes *Mehadrin*, will our Halacha apply [i.e. similar to Rashi]? After all, the *Rema* ruled (in the previous *se'if*) that each person has to light his candles in a distinct place! Consequently, he says, the *Magen Avraham*<sup>o</sup> holds that one may *not* use two "mouths" of the same "candle" for two people, *even on the first night*<sup>19</sup> (just that he rules in the *Sha'ar HaTziyun* that in difficult circumstances one can rely on the *Eliyahu Rabbah*<sup>o</sup> who disagrees with the *Magen Avraham* about the first night). However, the *Mishnah Berurah* brings from the *Chayei Adam*<sup>o</sup> that two people can light on opposite ends of our eight-branched "*menorahs*", because it's obvious that if there were only one person he would light all his candles next to each other [and therefore it's recognizable that these were two distinct lightings, by two people] (and the *Mishnah Berurah* writes that the *minhag* is to follow that).

The *Mishnah Berurah* explains that the reason the Gemara needs to say this at all is because in the case of their "candles", the wicks were together on the inside, so we need to know "which part of the *menorah*" to look at when deciding how many "candles" we have here. This is going to be the focus of the next *se'if* as well.

### The development of: **Se'if 4**

<sup>18</sup> Rather, the *Shulchan Aruch* below in *se'if 5* lists the places for lighting according to the various circumstances, just like in the Gemara.

<sup>19</sup> As mentioned in *se'if 2*, Tosafos's concern [that it be recognizable "which day it is"] only applies *after* the first night. Still, the *Magen Avraham* applies the requirement of "separate places for separate people" even on the first night, because of "*lo plug*" ["no distinction is made" - see "Principles"].

## A DISH FILLED WITH OIL

The Gemara (*Shabbos* 23b<sup>1</sup>):

**Rava said:** *If someone filled a dish with oil and placed wicks in it all around, [then the Halacha is as follows:] If he covered it with some other vessel, then this counts for a number of people; but if he did not cover the dish with a vessel - then what he has made is like a significant fire [for the flames join together<sup>20</sup>, and that does not look like (the light of) a "candle" (Rashi)] - and it does not even count for one person.*

The Tur<sup>o</sup> brings a position<sup>21</sup> (the *Beis Yosef* cites authorities who say that it's the *Ba'al HaIttur*<sup>o</sup>) that if the wicks are a finger-width<sup>22</sup> apart so it *won't* become like a significant fire - then it's possible to be *yotzei* even without covering the dish with a vessel. However, the Tur himself says that there can't be such a limit, because if there were a limit, it would have to depend on the thickness of the wick as well. The *Beis Yosef* says that one could answer this by saying that the measure "a finger-width" is for an average wick (and one indeed could have to adjust this, depending on the thickness of the wick).

However, the *Shulchan Aruch* omits the distinction (like the Tur), and rules: **If someone filled a dish with oil and placed wicks in it all around: If he covered it with [some other] vessel - each wick counts as one "candle"<sup>23</sup>; [but if] he did not cover it with a vessel - it does not even count as one "candle", because it is like a significant fire.** [The *Rema's* additions to this *se'if* follow the next two subjects.]

The *Mishnah Berurah* points out that the "covering with a vessel" has to be done *before* lighting. (If it wasn't, the wicks must be put out, and then covered and re-lit.)

In addition, he implies that finger-width distances *do* matter<sup>24</sup>, but only as follows: If there's a cover, distance is not needed (as the Gemara implies); if there's no partition between the wicks at all - then distance doesn't *help* (like the above ruling in accordance with the Tur); and if there's a partition (but not a cover) - *then* such a distance is called for. (On this point, he implies that the natural clear distinction of using separate wax candles is *itself* like a "partition" - i.e. even if they're just "stuck on" to their places.)

<sup>20</sup> This is the *Mishnah Berurah's* language. Rashi's wording is "the fire joins at the middle."

<sup>21</sup> Our edition of the Tur says that it's the Rosh<sup>o</sup>, but we don't seem to find this in the Rosh's works.

<sup>22</sup> This is a fixed linear measurement, generally meaning one quarter of a *tefach*<sup>\*</sup> (i.e. one twenty-fourth of an *amah*<sup>\*</sup>), which comes to between two centimeters and one inch (based on the positions of R. Chaim Na'eh, R. Moshe Feinstein<sup>o</sup>, and the Chazon Ish<sup>o</sup>).

<sup>23</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought in *se'if* 3 above.

<sup>24</sup> Actually, the *Mishnah Berurah* "waits to write this" until the *Rema* discusses circular arrangements, implying that only *then* is there ever a need for distance. Furthermore, we should mention that the summary brought here is what the *Mishnah Berurah* quotes in the name of the *Chayei Adam*<sup>o</sup> and the *Eliyahu Rabbah*<sup>o</sup> (apparently siding with them), in opposition to the *Pri Megadim*<sup>o</sup> (and the implied position of the *Shulchan Aruch* himself) on a couple of points.



## ONE SHOULD LIGHT IN A STRAIGHT LINE

The *Darkei Moshe* brings: (1) In the name of the *Smak*<sup>o</sup> - that the candles may not be arranged in a circle, because then they are like a significant fire, but rather they must be in a line; (2) From the *Maharil*<sup>o</sup> (similarly) - that the candles must be in a straight line and not "one in and one out" [i.e. in a staggered formation]<sup>25</sup>; (3) From the *Terumas HaDeshen*<sup>o</sup> (in contrast) - that candelabras [of branches in a circle<sup>26</sup>] are *muttar* to use, because the branches are separated from each other<sup>27</sup> and therefore are not a "significant fire".

Accordingly, the *Rema* adds: **And therefore one should be careful to set up the candles in a straight line, and not in a circle - for that's like a significant fire. [On the other hand,] it's *muttar* to light with the candelabras called "lampa", since all the candles are very separate from each other.** [The rest of the *Rema*'s addition to the *se'if* follows the next subject.]

The *Bi'ur Halacha* brings that the candelabras may be *muttar*, but it's still no "enhancement" of the Mitzvah. [Note: It's made clear in the *Mishnah Berurah* that the "corrective measure" of a covering (or finger-width distances with "partitions") is applicable here (see the previous subject).]

## ATTACHING WAX CANDLES TO ONE ANOTHER (CONCERNING SHABBOS OR YOM TOV AS WELL)

The *Darkei Moshe* brings from the *Mahari Veil*<sup>o</sup> that four or five wax candles stuck together are "like to a significant fire", and similarly from the *Ohr Zarua*<sup>o</sup> that when people light candles for Shabbos or *Yom Tov* and "stick in" the candles so close together that they heat each other and make the wax drip - and they also bend over and fall - they don't fulfill the Mitzvah<sup>28</sup>.

Accordingly, the *Rema* concludes the *se'if*: **[In addition,] people should be careful when they prepare candles - even of wax - not to attach them together and [then] light them, for that's like a significant fire; [And] even with the candles of Shabbos and Yom Tov people should be careful not to do that.**

The *Mishnah Berurah* rules that even just *two* candles may not be stuck together this way. However, in the *Bi'ur Halacha*, he points out that this creates a difficulty: For above in the Halachos of Shabbos candles [O.C. 263:1], we

<sup>25</sup> The *Mishnah Berurah*'s wording is that this is "not right either" - because if one would light in such a formation - then he eventually could come to the point of lighting in a circle.

<sup>26</sup> This is the *Mishnah Berurah*'s description, taken from the *Terumas HaDeshen* (105) himself. The *Darkei Moshe* uses (as he does in the *Rema*) the German word "lampa".

<sup>27</sup> I.e. by the branches' "partitions"; and also by more than two finger-widths - so the *Ba'al Hattur*'s position will further back this up (these clarifications are also taken from the *Terumas HaDeshen* himself, *ibid.*).

<sup>28</sup> I.e. because such candles are "like a significant fire", and not like candles which have space to burn properly (explanation of the *Ohr Zarua* {2:326 - Halachos of Chanukah} himself).

learn<sup>29</sup> that by Shabbos<sup>30</sup> it's a **good minhag** to twist together two wax candles<sup>31</sup> (into a braid like a chain)! He answers that the *Rema* here only means to say not to do it *in a way* that causes the negative effects which the *Ohr Zarua* mentioned.

### The development of: **Se'if 5**

#### PLACES FOR THE CANDLES OTHER THAN THE ENTRANCE

[based on which many authorities say that "**nowadays we light indoors**"]

The Gemara (*Shabbos* 21b<sup>3</sup>):

*The Rabbis taught in a Baraisa: [Normally,] the Mitzvah is to place a Chanukah "candle"<sup>32</sup> at the entrance to one's house - on the outside [to publicize the miracle (Rashi)]. [However,] if someone has been living in an "aliyah" (i.e. an upper floor "apartment") [and therefore he has no place on the ground level<sup>33</sup> where he can place his" candles" (Rashi)], then he places it [indoors] by a window which is "near" [i.e. "facing" or "closest to"] the public domain. [Finally,] in a time of danger [such as when it was the Persians' law that on their own religious holiday no one was allowed to have a "candle" lit anywhere other than in their temple of idolatry (Rashi, based on Gittin 17a)], one places it on his table and that is sufficient.*

Rashi points out that "at the entrance to one's house" is not the place we might have expected to be chosen. After all, in those days the houses opened to courtyards, and only from the courtyards was there access to the public domain. Therefore, we might have expected the entrance to the courtyard to be the location for the candles, since that's the closest to the public domain (so lighting there would "publicize the miracle" better, just like we see from the choice of "by a window" that we look for the best access to "the public"<sup>34</sup>). Nevertheless, concludes Rashi<sup>35</sup>, the Baraisa teaches that the correct choice is to light at the *house's* entrance, despite that being *within* one's own courtyard.

<sup>29</sup> The *Mishnah Berurah* there (n5) quotes this (along with the Halacha of our *Rema*, written so as to fit together the way our *Bi'ur Halacha* explains). In the *Sha'ar HaTziyun* there, he says that this *minhag* is supported by the *Magen Avraham* and others, unlike one position who rejects it - saying it's like a significant fire. [It seems that the *Bi'ur Halacha* here is knowingly ignoring that one position.]

<sup>30</sup> In the *Bi'ur Halacha* here he says "and on *Yom Tov*," but I don't understand why *Yom Tov* should be included, considering the reason (cited in the next footnote).

<sup>31</sup> I.e. into a braid, like a necklace, in line with the Gemara (*Shevu'os* 20b) that "*Zachor*" and "*Shamor*" (the commands to "commemorate" and "keep" Shabbos - which the basic *minhag* of lighting two Shabbos candles corresponds to) were said at the same time.

<sup>32</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought in *se'if 3* above.

<sup>33</sup> Rashi's own wording is "in his courtyard", in line with his position (discussed soon) that the Baraisa has been referring to lighting at the entrance to the house *itself*, even if that's well *within* the courtyard.

<sup>34</sup> See *se'ifim* 6 and 7 below for more about choosing to light in a window, for the purpose of "publicizing the miracle" to the general public (as opposed to publicizing it "better" to the household, because "publicizing" to the household is not as important).

<sup>35</sup> Actually, the whole paragraph until this point is only *implied* by Rashi, and not spelled out.

The Tosafos disagrees, saying that the Baraisa is talking about where to light *if* one's house *opens directly* to the public domain (i.e. if there *is* no courtyard in between the two); but if there *is* a courtyard in between, then the normal Mitzvah is to light at the entrance into the courtyard (i.e. right by the public domain).<sup>36</sup>

The Tur<sup>o</sup> follows the position of Tosafos, and he says that the case of lighting by the window is "if he has no entrance that opens to the public domain." The *Beis Yosef* explains that the Tur's point is as follows: If the person's upper floor "apartment" opened directly out to the public domain, then of course he would light at that entrance, and if it opened directly out to the house's courtyard, then he would light at that courtyard's entrance out to the public domain (just like that's the lighting location for all the other householders of that courtyard). Therefore, the Baraisa has to be referring someone whose "apartment" opens only *down to the ground floor of the house* (which is someone else's), in which case the only place he can possibly light where it will be recognizable that his candles "belong to the upper floor apartment" is his own window upstairs.

The *Shulchan Aruch* also rules like Tosafos, beginning the *se'if*: **A Chanukah "candle" is placed at the entrance [which is immediately] by the public domain - on the outside; [This means that] if the house opens [directly] into the public domain - [then] one places it at that entrance, and if there is a courtyard in front of the house - [then] one places it at the courtyard's entrance; [However,] if someone has been living in an "aliyah" [i.e. an upper floor "apartment"] which does not have an entrance that opens into the public domain - [then] he places it by a window which is "near" the public domain; [Finally,] in a time of danger which does not permit him to perform the Mitzvah [publicly] - he places it on his table and that is sufficient.** [The rest of the *se'if* follows the next subject.]

The *Bi'ur Halacha* notes that the Ran<sup>o</sup> and the *Ohr Zarua*<sup>o</sup> quote Rashi's position.<sup>37</sup>

Rav Moshe Shternbuch<sup>o</sup> (*Mo'adim U'Zmanim* 2:140 & 6:85) discusses whether "the normal Mitzvah is outside" nowadays:

From the Gemara it would certainly seem that we light outside, except when there is an actual danger. And while it's true that there are some places where there's a concern from those non-Jews who disturb our performance of Mitzvahs, still, in most places the Jews are free to practice their religion openly. [Consequently, it should follow that we light outside.] (One might argue that in our more northern countries Chanukah is a windy and rainy time, and the only way for us to light outside would be inside a glass box<sup>38</sup>, and the Gemara was only

<sup>36</sup> The Tosafos brings two proofs [(1) from the Halacha of *se'if* 3 above that double candles "count for two" - implying that two householders' candles can belong in the same spot, and (2) from the Halacha of *se'if* 8 below of "a courtyard which has two entrances"]. See in both places how Rashi's explanations avoid there being any problem for his position.

<sup>37</sup> I.e. that's the only position they present, which shows they rule that way, and this could be a reason to take Rashi's position into account [just as we're about to bring R. Moshe Shternbuch as proposing].

<sup>38</sup> Some versions of this theory continue by saying that the Sages did not *require* lighting in glass boxes; either because it's too much trouble, or because it makes the Mitzvah less recognizable. R. Moshe Shternbuch's own version is to say that it's not even a *valid* way of lighting - because the candle is not "giving out its light in the natural way" like it did in the *Beis HaMikdash*. He explains that the basis of this would be to compare our Halacha to the Halachos of *havdalah* on Shabbos, where we see that one cannot say the *bracha* over seeing a fire enclosed by a glass box (see

talking about Babylonia and the Land of Israel - which have warmer climates. But in fact, the weather at Chanukah time in the Land of Israel is windy and rainy as well, so we are forced to say that even when the Jews would light outside - they *always* lit inside a glass box.)

Still, maybe once the non-Jews brought heavy decrees and persecutions upon us, the Sages understood that it would no longer be possible to light outside in our places of exile. After all, we can't judge each place separately as to whether there's a danger in that place, because if we do - then everyone will want to do "the normal Mitzvah" and some people will eventually come to do that even in places where there *is* a danger.<sup>39</sup>

Furthermore, the truth is that the "danger" of this Gemara does not necessarily have to be a threat to life; rather, even a "danger" that non-Jews might "attack" the candles (or put them out) is included.<sup>40</sup>

This explains why the only place where the practice is to light outside even nowadays is in the Land of Israel<sup>41</sup>, because it doesn't bother any non-Jews that the Jews feel "at home" there (and no one outside the Land can make the mistake of comparing themselves to those in the Land, either). [Still, *other* problems with lighting outside exist there, because of today's courtyards and apartment buildings...]

#### Rav Moshe Shternbuch (*Mo'adim U'Zmanim* 2:143) on today's courtyards and apartment buildings:

The *Shulchan Aruch* ruled like Tosafos, and according to that, one lights in the window only if he has no entrance that opens into the public domain [as explained by the Tur & *Beis Yosef* above]. However, there are two basic reasons that would support lighting in windows in our apartment buildings:

(1) If someone lives in an apartment building, and the main entrance of the building opens directly out to the street, we would assume that he should light by that entrance (according to the position of Tosafos), since the stairwell and lobby are his "courtyard". However, one could question this: Maybe the Sages were only talking about the concept of courtyards in *their* days, when much of their living activities were done in the courtyard (so it could be considered "an extension of the house"), whereas nowadays we don't use any "external" area in such a way. Consequently, nowadays, the window is often the only choice which both (a) is on the grounds of "his apartment" and (b) faces the public domain.<sup>42</sup> (It happens to be that I personally disagree with *this* reasoning, because at least *on Chanukah* it seems that the significance of a "courtyard" is just that it's "how one gets in".)

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O.C. 298:15) because it's not "giving out its light in the natural way." [He points out that according to this logic, we would have to say that when the Gemara mentions lighting "in a (glass) lantern" (*Shabbos* 23a), it's only talking about if the glass was removed.] He admits that the comparison is flawed, since here the fundamental idea is just to publicize the miracle. But all these approaches collapse once we are forced to say that even in Babylonia and the Land of Israel they *always* lit in glass boxes.

<sup>39</sup> This reasoning is based on a *Yerushalmi* in *Shevi'is*; and it is also the basis of the famous ruling of R. Yisrael Salanter in the cholera epidemic in Vilna in 1860, that even the people who were not in danger had to eat on *Yom Kippur*, since if each person had to be judged separately - then there would be a danger of many people fasting for whom it would *not* be safe.

<sup>40</sup> This is based on *Megillas Ta'anis* (Chapter 9) which says the danger was "from scoffers", and also on the fact that the danger Rashi mentioned was only of the candle being put out, as can be seen from *Gittin* 17a.

<sup>41</sup> As for those who light inside even in the Land of Israel, there is the defense of Rav Tzvi Pesach Frank<sup>o</sup> (*Mikra'ei Kodesh* 16), who brings that the *Ba'al HaIttur*<sup>o</sup> (according to a commentary) answered this by his saying that once the *minhag* changed because of the danger - we can continue with that *minhag* even without danger. [This description, that the *minhag* "changed", does not seem to fit Rashi's explanation of the "danger" mentioned by the Gemara (because probably only *part* of Chanukah would coincide with a Persian holiday, and even that would probably not happen in every year). Presumably, the *minhag* only would have "changed" because of "danger" like Tosafos's explanation (that it began when the Jews came under the power of certain non-Jews who made decrees against the candle-lighting).]

<sup>42</sup> In a later volume (6:87), R. Moshe Shternbuch says that the *Chazon Ish*<sup>o</sup> held this way.

(2) In addition, there's actually room to follow Rashi's position, which seems to be that one *can't* light in a courtyard, since it's unclear who the candle "belongs to". Naturally, that would support lighting in a window.

On the other hand, it could be that windows are *invalid* [at least whenever we light outside]; and we should especially take into account that candles in windows aren't really "adjacent to the public domain", because the glass is in the way.

So in practice, one *could* light at the main entrance (with the *bracha*) and then light by one's own window (without talking in between). But it would be too much of a stringency to *rule* that one should do that; rather, the Halacha is that "whatever you do - you're covered."

#### AN "OBLIGATORY" EXTRA CANDLE ("SHAMASH")

The Gemara (*Shabbos* 21b<sup>3</sup>):

**Rava said:** *One needs an extra "candle"*<sup>43</sup> - to use its light [*to make the matter recognizable*]<sup>44</sup> (*Rashi*). [*On the other hand,*] if there is a significant fire nearby, the extra "candle" is not needed [because he will use the significant fire for light (i.e. the light he needs for his activities), so it's recognizable that the Chanukah "candle" is there for a Mitzvah (*Rashi*)]. [*However,*] if he is an important person [and therefore not accustomed to making use of a significant fire (*Rashi*)], then even if there is a significant fire nearby - he still needs an extra "candle".

Accordingly, the *Shulchan Aruch* concludes the *se'if*: **[In addition,] one needs an extra "candle" - to use its light; [On the other hand,] if there is a significant fire - then one does not need an extra "candle"; [However,] if he is an important person and therefore it is not his manner to use the light of a significant fire - then he does need an extra "candle".**

However, the *Bi'ur Halacha* quotes the explanation of the *Me'iri*<sup>o</sup> (*Shabbos* *ibid.*)<sup>45</sup>:

**I hold,** based on the *sugya*<sup>\*</sup>, that the statement "one needs an extra candle" was only referring to someone who placed his Chanukah candle "on his table"<sup>46</sup>; but any time that one places his Chanukah "candle" by an entrance - he doesn't need an extra candle. [*Furthermore,*] this is true even if he stands right there - as long as he doesn't actually make use of the Chanukah candle's light for some specific activity. I have in fact seen some Rabbis having the practice of standing right there and speaking with their friends with no extra candle. Still, in actual practice, it's my *minhag* to light an extra candle even without a need to make use of one; and we all have the *minhagim* [we received] from our fathers and our teachers.

<sup>43</sup> source's wording (throughout this entire subject): "another" candle.

<sup>44</sup> "For even if he won't want to make use of the light at all, he still needs an extra candle - in order to have the *ability* to use the light of that extra candle; and *then* it's recognizable that the first candle is for the sake of a Mitzvah; but otherwise people would say that he lit that one candle just for his personal needs, since it's standing on the table [see the *Me'iri* quoted right after this Gemara]." (*Bi'ur Halacha*)

<sup>45</sup> The *Gra* seems to agree, as will be explained in the first half of *se'if* 7 below (in a footnote to the end of the "third clarification" of the *Rema*).

<sup>46</sup> The need for an extra candle is stated right after the case of lighting "on the table" (which was the end of the *Baraisa* we just learned in this *se'if*), both in the Gemara (where Rava immediately follows the *Baraisa*) and in the *Shulchan Aruch*.

The *Bi'ur Halacha* also writes (in the name of the *Magen Avraham*<sup>o</sup> in Siman 678) that even someone who only has one candle [and none to use as the "extra"] nevertheless lights that one candle, with the *bracha*. However, the person certainly must be careful<sup>47</sup> not to make use of its light.

[In addition, see below 673:1 for more about an "extra candle", including *minhagim*, what candle is called the "*shamash*", and other details.<sup>48</sup>]

### The development of: **Se'if 6**

"INITIALLY" THE CANDLES SHOULD BE "LOW"

The Gemara (*Shabbos* 21b<sup>4</sup>):

*A Mishnah elsewhere*<sup>49</sup> says: If a camel which is loaded up with flax is passing through the public domain - and its flax protrudes into a shop and is ignited by the shopkeeper's "candle"<sup>50</sup> - and then the burning flax ignites a whole building, the owner of the camel is obligated to pay [because he shouldn't have loaded the camel with so much flax that this would happen (*Rashi*)]. However, if the shopkeeper left his "candle" outside, then the shopkeeper is obligated to pay. Still, R' Yehudah says that if it was a Chanukah "candle" - then the shopkeeper is exempt [because he had the right to leave it there for the Mitzvah's publicizing (*Rashi*)].

**Ravina (in the name of Rava) proves from this:** This last point tells us that when it comes to a Chanukah "candle", the Mitzvah is to place it within ten tefachim\* (32 - 38 in., 80 - 97 cm.)<sup>51</sup> high [off the ground, and no higher]. For if placing it more than ten tefachim high [off the ground] were just as good, then why would R' Yehudah say the shopkeeper is exempt? After all, it would then be possible to argue against the shopkeeper: "You should have placed the Chanukah 'candle' above the height of a camel and its rider!"<sup>52</sup>

<sup>47</sup> source's wording: be careful "initially". [Maybe he means that one should "try his best" not to make use of it.]

<sup>48</sup> One point appropriate for mention here: The *Mishnah Berurah* (there) says that as far as "the strict Halacha" is concerned, the [usual] "candle on his table" can serve as the "extra" candle of our *se'if*.

<sup>49</sup> *Bava Kamma* 62b. The Gemara here in *Shabbos* actually starts by quoting the first case of that Mishnah, which has no apparent relevance to our Gemara's issue: "If a spark flies out from under a blacksmith's hammer - and goes and damages property - the blacksmith is obligated to pay."

<sup>50</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. *Rashi* explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought in *se'if* 3 above.

<sup>51</sup> Based on the positions of R. Chaim Na'eh, R. Moshe Feinstein<sup>o</sup>, and the Chazon Ish<sup>o</sup>, on the definition of an *amah*<sup>o</sup>.

<sup>52</sup> The Mishnah (*Bava Basra* 27b - discussed in *Shulchan Aruch* volume *Choshen Mishpat* 155:27) explicitly says that this is the required height for a tree to be allowed to hang out into the public domain. So we see that if a person passing through the public domain has the right for a certain thing not to be in his path, then he can demand that it even has to be high enough to enable him to ride by on a camel and still not have to deal with it. Now, we saw in the middle case of the Mishnah that the owner of the camel has the right not to have to deal with a shopkeeper's candle being in his path (and therefore it's the shopkeeper who is obligated to pay). So by extension, if any height of a Chanukah candle is equally good for the Mitzvah, then the owner of the camel should be able to demand that the shopkeeper put the candle above that height.

**The Gemara rejects the proof:** *Maybe in fact one should have been able to make such a claim to the shopkeeper, except that the Sages judged that if we trouble a person that much [i.e. to force him to light that high] - he will [eventually] come to neglect the Mitzvah entirely!*

The Rashba<sup>o</sup> deals with two points:

(1) **Question:** *How did Ravina/Rava "choose" the height of ten tefachim?*

**Answer:** *[We can be sure that] the Sages gave this Mitzvah some "familiar specification", i.e. taking one from among the fixed specifications of the other Mitzvahs of the Torah. And we see that it doesn't follow the height specification of twenty amahs\* [32 - 38 ft., 9.6 - 11.6 m]<sup>53</sup>, which is the **maximum** for a sukkah<sup>54</sup> [for that's much higher than "a camel and its rider", and Ravina/Rava deduced from the case of the shopkeeper that Chanukah "candles" belong lower]. So we conclude that this Mitzvah must instead follow the height specification of ten tefachim, which is the **minimum** for a sukkah.*

(2) **As for the [practical] Halacha:** *We rule like what Ravina said in the name of Rava. [The logic for this is as follows:] We do not discard what was clear to Rava and Ravina - and choose [instead] what the Gemara said in response [to their proof] in the form of a mere "maybe" [Furthermore, there's a greater publicizing of the miracle that way - because it's unusual for something made for light to be placed so low (Rosh<sup>o</sup>)]. And so ruled Rabbeinu Chananel<sup>o</sup> [as well].*

The Beis Yosef says that the Ran<sup>o</sup> also brings this ruling (and that he brings it in the name of Rabbeinu Yonah<sup>o</sup> too), as well as the Rosh<sup>o</sup>, and that the Smag<sup>o</sup> and the Smak<sup>o</sup> also rule the same way. Then he points out that the Rif<sup>o</sup> and the Rambam left out the statement of Ravina/Rava, which implies that they don't rule like it. Still, the Beis Yosef concludes that in practice one must in fact place a Chanukah candle "within ten", in order to do the Mitzvah properly according to both positions.

Next, the Beis Yosef brings that the Mordechai<sup>o</sup> holds that since "nowadays we light indoors"<sup>55</sup>, so one can just as easily place the Chanukah candle at the "less publicizing" height of "above ten"<sup>56</sup>. But the Beis Yosef concludes by pointing out that we can see that the Tur<sup>o</sup> disagrees (since he doesn't make such a distinction here), and in fact the practice of people who are "exacting" is to be stringent even now.

On the other hand, the Tur brings [as does the Mordechai (Beis Yosef)] that the Maharam<sup>o</sup> (of Rottenburg) was careful to place the Chanukah candle above three [tefachim\* off the ground]<sup>57</sup> (9.5 - 11.5 in., 24 - 29 cm.)<sup>58</sup>. The Beis Yosef explains his reason: since anything lower than three tefachim is like [putting it on (Mishnah Berurah)] the solid Earth itself [as we find by a number of Halachos - and specifically by the Halachos of Shabbos]. (The Mishnah Berurah explains [in

<sup>53</sup> Based on the positions of R. Chaim Na'eh, R. Moshe Feinstein<sup>o</sup>, and the Chazon Ish<sup>o</sup>, on the definition of an amah<sup>o</sup>.

<sup>54</sup> source's wording: "and a mavo'i" (patterned after the language of R' Tanchum; see the next subject).

<sup>55</sup> This was discussed above in se'if 5.

<sup>56</sup> The Mordechai says explicitly (in a later paragraph - which we refer to in our next paragraph) that the Maharam of Rottenburg applied the requirement of "below ten" even in practice [although it would seem obvious that he too lived "nowadays"]. Apparently, we see from the Mordechai here that he himself is disagreeing with the Maharam on this point. Surprisingly, the Beis Yosef makes no reference at all to this issue.

<sup>57</sup> "And below ten". (See previous footnote about the "contradiction" in the Mordechai.)

<sup>58</sup> Based on the positions of R. Chaim Na'eh, R. Moshe Feinstein<sup>o</sup>, and the Chazon Ish<sup>o</sup>, on the definition of an amah<sup>o</sup>.

the name of the Bach {*Sha'ar HaTziyun*} that therefore it's not recognizable that the owner of the house put it there [i.e. intentionally and with purpose].)

**The *Shulchan Aruch* rules [as quoted after the next subject]** that "one places it" above three, and then he rules that "it's a Mitzvah to place it below ten - but even if he didn't he was *yotzei*." Since he mentioned "being *yotzei*" only by "above ten", that implies that if someone placed it "below three" he's *not yotzei*. However, the *Mishnah Berurah* writes in the name of the *Pri Chadash*<sup>59</sup> that one *is yotzei* "after the fact". As for "below ten", the *Mishnah Berurah* writes in the name of the *Eliyahu Rabbah*<sup>60</sup> that the *minhag* of "the world" is to be lenient nowadays (like the *Mordechai*), but then he quotes what the *Beis Yosef* wrote (ending with the *Beis Yosef's* conclusion - that the practice of people who are "exacting" is to be stringent). [Finally, the *Mishnah Berurah* writes that when it comes to lighting by a window - we measure from the *floor* of the "apartment". (For more about "how we measure", see the supplementary material near the end of this *se'if*.)]

Now what if someone can only light either (1) *below* ten *tefachim* - but indoors, or (2) by a window which faces the public domain - but *above* ten *tefachim*? The *Mishnah Berurah* writes in the name of the *Magen Avraham*<sup>61</sup> that the window is the correct choice. In the *Sha'ar HaTziyun*, he points out that the *Magen Avraham* holds that the window is *always* better - even if with the "lower indoor option" he would be able to put the candles "by an entrance" [see the next *se'if*]. The *Sha'ar HaTziyun* proceeds to back that up (against the questioning of the *Pri Megadim*<sup>62</sup>), by pointing out that the goal of "being recognizable to people in the public domain"<sup>59</sup> has a strong basis in the Gemara<sup>60</sup>, while the requirement "initially" to place the candles "below ten" is not even the practical Halacha according to some early authorities<sup>61</sup>.

As for the candles lit in the synagogue, the *Mishnah Berurah* writes that the *minhag* is to put them "in a high place" and not below ten *tefachim*. [His source is the *Pri Megadim*<sup>62</sup>, who is surprised about it, especially since the case of the *Nimukei Yosef* and R. Yitzchak Abouhav<sup>63</sup> brought below (see 675:1) implies otherwise.]

THE CANDLES *MUST* NOT BE "TOO HIGH" (i.e. this is crucial even "after the fact")

The Gemara (*Shabbos* 21b<sup>5</sup>):

**R' Tanchum taught**<sup>62</sup>: [22a] A Chanukah "candle" which was placed higher than twenty amahs\* (32 - 38 ft., 9.6 - 11.6 m)<sup>63</sup> [off the ground] is invalid [because people's eyes do not reach it - and (therefore) it

<sup>59</sup> The assumption here is that this "public" includes Jews. Concerning "publicizing" just to non-Jews, see below (at the end of 677:3).

<sup>60</sup> The *Sha'ar HaTziyun* mentions (1) the fact that the normal Mitzvah is to light outside, and (2) that the end of the "time for lighting" is described as "until even the last passersby have left" (*Shabbos* 21b - see below 672:2).

<sup>61</sup> I.e. the Rif and the Rambam, and also the *Mordechai* (since we're talking about indoors), as above.

<sup>62</sup> source's wording: "Rav Kahana said: Rav Nassan bar Menyumi expounded in the name of R' Tanchum".

<sup>63</sup> Based on the positions of R. Chaim Na'eh, R. Moshe Feinstein<sup>64</sup>, and the Chazon Ish<sup>65</sup>, on the definition of an *amah*<sup>66</sup>.



lacks publicizing of the miracle (Rashi)]; just like [the similar Halacha] by the "s'chach" covering of a sukkah [see Sukkah 2a] and by a "mavoi"<sup>64</sup>.

The Tosafos explains how to fix the situation, if one already lit his candle too high:

*He should put it out and lower it, and then light it again [with the bracha (Mishnah Berurah)]; for he can't just "lower it and leave it" while it's still lit [because (of the principle<sup>65</sup> that) "the lighting is what accomplishes the Mitzvah"<sup>66</sup> (Beis Yosef), and he (originally) lit in an invalid place (Mishnah Berurah)].*

Accordingly, the *Shulchan Aruch* rules [for this entire se'if]: **One places it above three tefachim [off the ground]; and it's a Mitzvah to put it below ten tefachim [above the ground]; and if someone puts it above ten tefachim - he was yotzei; but if someone puts it above twenty amahs [off the ground] - he was not yotzei.** The *Rema* adds: **Even if he [then] took it [while it was] still lit and [then] put it [down] below twenty [amahs] - he was not yotzei, since "the lighting is what accomplishes the Mitzvah."**

The Tur writes about whether "above twenty amahs" is invalid even indoors:

*HaRav [Rabbeinu] Yoel HaLevi<sup>o</sup> wrote that [it's invalid] only if one places it outdoors; but if he placed it inside a house - then it's valid even above twenty amahs. [His proof is that this is] just like we say by a sukkah (Sukkah 2b) that if the walls reach the "s'chach" [covering] then the sukkah is valid even if it's higher than twenty amahs - because then people's eyes do reach it.<sup>67</sup>*

**But I hold that here "the thing to be proven cannot be compared to the source."** After all, in the case of a sukkah, what we need is for one's eyes to reach the **roof**; and since the partitions go all the way up to the roof - so **by way of them** his eyes will reach the roof. But here, we need one's eyes to reach the **candles**; so what difference does the roof make? The roof is even **higher** than the candles - so it won't cause anyone's eyes to reach the candles any better!

<sup>64</sup> A *mavoi* is an "alleyway" jointly used by multiple "courtyards" in which carrying on Shabbos is to be made *muttar* by means of a crossbeam at its exit (out to the public domain). The crossbeam cannot be higher than twenty *amahs* [see *Eiruvin* 2a].

<sup>65</sup> This is explained below in *siman* 675.

<sup>66</sup> The *Gra* argues (based on Tosafos to *Sukkah* 2a) that the Halacha of our Tosafos (that one can't "lower it and leave it") does *not* depend on saying "the lighting is what accomplishes the Mitzvah." Rather, even if someone would take the opposing position that "the placing is what accomplishes the Mitzvah," he could *still* agree that in our case one couldn't "lower it and leave it", because then "someone who sees him would think that the candle is for his personal use" (a reasoning from the Gemara brought below 675:1). But the *Gra* points out that there was never much of a *need* for Tosafos to explain the *reason*, because the Tosafos *proved* our Halacha from the fact that R' Tanchum avoids the wording "let him lower it" (which is found in the Mishnah elsewhere).

<sup>67</sup> Actually, the Gemara only says this according the position that the reason a *sukkah* "taller than twenty" is invalid is because people's eyes don't reach that high. Our accepted ruling is that such a *sukkah* is in fact invalid for a *different* reason, which is why the Tur & *Shulchan Aruch* in the Halachos of the *sukkah* (O.C. 633:1) rule that a *sukkah* "taller than twenty" is invalid even if the walls *do* reach the *s'chach* (*Darkei Moshe* in the name of R. Avraham<sup>o</sup> of Prague). Still, *Rabbeinu Yoel's* proof is not disturbed by this, because we *do* say that "the eyes don't reach" is the reason *in the case of Chanukah candles*, and we can learn from *Sukkah* what we *would* say whenever that's the reason for "above twenty" being invalid.

[The *Beis Yosef* brings R. Yitzchak Abouhav<sup>o</sup>, who explains that Rabbeinu Yoel held that the only time people's eyes don't reach above twenty *amahs* is when the *outdoor air* affects their ability to see as far as they want, and accordingly he cited the distinction from *sukkah*, which fits together nicely with that.]

The *Shulchan Aruch* does not mention *Rabbeinu Yoel's* distinction [as quoted above], and the *Mishnah Berurah* confirms that our accepted ruling is indeed like the Tur. (However, the *Mishnah Berurah* refers to the *Pri Megadim*, who's not so sure that one makes a *bracha* on re-lighting in this case.)

In the *Sha'ar HaTziyun*, he explains that even if only the *flame* is above twenty *amahs* (such as with a long wax candle), it's still invalid.

*We can ask:* What about regarding the Mitzvah (discussed in the previous subject) of the candle being below ten *tefachim* and above three? This is a tricky issue, because if the flame is below ten, that could force the base of one's "*menorah*" to be below three - or even on the ground itself - which certainly seems to be "not recognizable" as being for a Mitzvah!

Rav Shmuel Vosner<sup>o</sup> (*Shevet HaLevi* 4:64) discusses applying this nowadays:

If there is a *minhag* to light in one's window even on a floor of one's building that's so high that the candles are more than twenty *amahs* above the street, there's no reason to change the *minhag*, for a combination of reasons:

(1) Nowadays, since we light indoors,<sup>68</sup> according to the strict Halacha - need for visibility is for those *inside*, and from their point of view the candles are not so high.

(2) Some authorities hold that the advantage of a window [over lighting below ten *tefachim*] applies even if it's above twenty *amahs*, since there's still *some* slight visibility to the public domain.

(3) And besides, if there are some neighbors "across from him" for whom it's *not* "above twenty" [like for example if the surrounding buildings are similar in height], that also helps publicize the miracle.

[Note: Of course, he's taking for granted that there's no *general* obligation to light downstairs at the entrance to the building. Above in *se'if* 5, we saw that this is questionable, so maybe it would in fact be better to light there than to rely on the above leniency, where possible.]

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<sup>68</sup> This was discussed above in *se'if* 5.

**The development of: *Se'if 7***

The first half of the Shulchan Aruch's ruling for *se'if 7* follows the development of four subjects:

THE CANDLES GENERALLY BELONG "IN THE NEAREST *TEFACH*" ON THE LEFT HAND SIDE (of the "entrance")

The Gemara (*Shabbos 22a*<sup>1</sup>):

**Rabbah said:** Included in the Mitzvah of a Chanukah "candle"<sup>69</sup> is to place it in the *tefach* [3 - 4 in., 8 - 10 cm.]<sup>70</sup> nearest to the entrance [because if he would place it any farther away - then it would not be recognizable that the owner of the house placed it there (i.e. intentionally and with purpose) (Rashi)].

**And which side does one put it on?**

**Rav Acha the son of Rava said:** On the right [as a person enters (Rashi)].

**Rav Shmuel of Difti said:** On the left.

**And the Halacha is to put it on the left - so that the Chanukah "candle" will be to the left and the *mezuzah* to the right<sup>71</sup> [and thus one will be surrounded with Mitzvahs<sup>72</sup> (Mishnah Berurah)].**

The *Mishnah Berurah* writes that the Mitzvah of lighting "within a *tefach*" applies both to the entrance to a courtyard and to a house. He also adds that even if one incorrectly put it on the right, he was *yotzei*.

Since the idea is to be surrounded with "Mitzvahs", the *mezuzah* in question should have to be one that it's a Mitzvah to have on the wall, in order to be relevant (which would not be the case if, for example, the Halachos of *mezuzah* dictate that there's *no Mitzvah* to put a *mezuzah* on a particular doorpost).

#### A CASE WHEN THE CANDLES BELONG ON THE RIGHT

The Tur<sup>o</sup> says in the name of the Ra'avyah<sup>o</sup> [as the *Hagahos Mordechai*<sup>o</sup> says in the name of "*Rabbeinu Yakir*" (*Beis Yosef*)] that this is true when the entrance has no *mezuzah*. The *Gra* says we can prove this from the fact that the Gemara says the left is only chosen because of the *mezuzah*. The *Mishnah Berurah* gives two reasons why the right is preferable (i.e. in the absence of a *mezuzah*): (1) like in all Mitzvahs of the Torah, (2) to increase publicizing of the miracle - because people turn toward the right<sup>73</sup>.

<sup>69</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought in *se'if 3* above.

<sup>70</sup> Based on the positions of R. Chaim Na'eh, R. Moshe Feinstein<sup>o</sup>, and the Chazon Ish<sup>o</sup>, on the definition of an *amah*<sup>\*</sup>.

<sup>71</sup> The fact that a *mezuzah* goes on the right doorpost is dealt with in *Shulchan Aruch* volume *Yoreh Dei'ah* (289:2).

<sup>72</sup> "Being surrounded with Mitzvahs" is mentioned by the Tur & *Shulchan Aruch* concerning *tzitzis* (O.C. 8:4).

<sup>73</sup> The reference would seem to be to the principle (*Zevachim* 62b) "Whenever you turn - turn to the right". (This is further explained below 676:5.)

## "IF ONE PLACES THE CANDLE BY THE DOOR ITSELF"

The Tur brings from the Smak<sup>o</sup> that in that case "he places it from the halfway point of the entrance - to the left side." What do these words mean?

The *Beis Yosef* brings two explanations of these words from R. Yitzchak Abouhav<sup>o</sup>, and even when it comes to the words of those explanations themselves - the Bach<sup>o</sup> writes that "those who have studied them have become all confused" in trying to explain *them*. The *Shulchan Aruch* (as brought soon) simply quotes the original words.

The *Mishnah Berurah* brings the explanation of the *Magen Avraham*<sup>o</sup>, that the idea is to teach that one can be lenient and consider the entire space of the entranceway - from the left "end" to halfway across its width - as "on the left". However, the *Mishnah Berurah* then brings the position of the Taz<sup>o</sup> that in practice one should be stringent and place the candles all the way at the "leftmost edge" of the doorway.

WHETHER THESE POINTS APPLY "NOWADAYS" (when "we light indoors"<sup>74</sup>)

The *Darkei Moshe* brings that the *Terumas HaDeshen*<sup>o</sup> and the Maharil<sup>o</sup> hold that it still applies. But then he points out that we see from the words of R. Avraham<sup>o</sup> (of Prague) [which he brought above by *se'if* 2] that indoors it's *not* relevant (because everyone *inside* knows what these candles are for), and he concludes that this is why only the "exacting" are careful with this even "nowadays". [More about this shortly.]

***So now let's see the first half of this se'if.*** [As for the second half of the *se'if* - about lighting in the synagogue - that follows the development of the remaining subjects.] The *Shulchan Aruch* rules: **Included in the Mitzvah is to place it in the *tefach* nearest to the entrance, on the left [hand side] - so that the Chanukah "candle" will be to the left and the *mezuzah* to the right; And if he [wants to] place it in the door[way] itself - [then] he places it from the halfway point of the entrance - to the left side.** The *Rema* adds: **However, nowadays when we all light indoors - and there's nothing recognizable to people in the public domain at all - one need not be so concerned if we won't light in the *tefach* nearest to the entrance; But nevertheless, "the practice" [see immediately below] is to light in the *tefach* nearest to the entrance just like in the old days<sup>75</sup>, and one should not deviate [from that], unless there are many members in the household - for [then] it's better for each [person] to light in a distinct place - rather than to mix [all] the candles together and have it be unrecognizable how many candles are being lit [by each person]; And in any case, people must be careful not to light in the same spot where candles are lit all year round, because even though nothing is recognizable to anyone but the household [i.e. and they know on their own what these candles are for] - nevertheless "a little bit" [of differing from the norm] to make it [inherently] recognizable is necessary.**

A number of points need clarification with this *Rema*:

<sup>74</sup> This was discussed above in *se'if* 5.

<sup>75</sup> The *Rema*'s wording is "their" days; the precise intent is unclear.

(1) **How can the Rema say** that "the practice" is to light in the "nearest *tefach*" nowadays, when he already wrote the opposite in the *Darkei Moshe*, and he ruled in the *Rema* that "one need not be so concerned"? **The Bi'ur Halacha answers** that the *Rema* must mean that it is "the *correct* practice" to light in "the nearest *tefach*" even "nowadays" (i.e. except when there are many members in the household, as above).

(2) **Why** does the *Rema* say this is "the correct practice"? **The Mishnah Berurah explains:** Because one can thereby "pass between the two Mitzvahs when entering."<sup>76</sup>

(3) **How does the Rema know** that people must be careful not to light in the same spot where candles are lit all year round?<sup>77</sup> **It seems** that this is based on the words of the *Nimukei Yosef*<sup>o</sup> and R. Yitzchak Abouhav<sup>o</sup> (brought by the *Beis Yosef* below 675:1 - see there) on the subject of moving the lit candelabra of a synagogue to its year-round regular place.<sup>78</sup>

Here again, the *Mishnah Berurah* makes the point that "being recognizable to people in the public domain" is more important than all of these details<sup>79</sup>; so for example, if one has a window that faces the public domain [which is less than twenty Amahs\* above the ground of the public domain (*Sha'ar HaTziyun*)], assuming it's not dangerous to light there. (And while on the subject of the left and the right - see below (at the end of Siman 676) for more about the "configuration" of the candles and the lighter.)

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<sup>76</sup> This explanation has two problems: (1) it changes the Halacha, and (2) its source is questionable. To elaborate: (1) If the reason that even "nowadays" one should light in "the nearest *tefach*" is only "in order to pass between two Mitzvahs", then it only applies when there's a *mezuzah*, a distinction which the *Rema* never made. (2) The *Magen Avraham* brings this explanation in the name of the *Darkei Moshe*, but it's not in our edition of *Darkei Moshe*; so the commentaries explain that the *Magen Avraham* is referring to a "added note" that's found at the end of this *siman* in one old edition of the *Darkei Moshe* (the *Pri Megadim*<sup>o</sup> adds that the *Magen Avraham* must have had that line in his edition of the *Darkei Moshe*). So who actually wrote this reasoning? And to conclude: When the *Darkei Moshe* (our edition) brings the above-mentioned *Terumas HaDeshen*, he makes a point of noting *two* aspects of the *Terumas HaDeshen*'s position for "nowadays": (1) that when there's a *mezuzah* one lights on the left, and (2) that when there's no *mezuzah* one lights on the right. Doesn't this *openly contradict* the *Mishnah Berurah*'s (i.e. the *Magen Avraham*'s) explanation of the *Rema*? (Incidentally, the *Gra* seems to understand that the *Rema* is simply favoring the position of the *Terumas HaDeshen* and the Maharil over that of R. Avraham of Prague.)

<sup>77</sup> The *Rema* generally does not add entirely new material that has not already been discussed in the *Darkei Moshe* (or *Beis Yosef*), and we don't seem to find anything about this point in the *Beis Yosef* and *Darkei Moshe* of this *siman*.

<sup>78</sup> The *Gra* cites (as the source of this *Rema*) the obligation of an "extra candle" (discussed above in *se'if* 5). To explain this: It seems that he understands that Halacha like the *Bi'ur Halacha*'s explanations (see there in the name of the *Me'iri* and in the footnote explaining Rashi), that the purpose of the extra candle is so that one will have the *ability* to use *its* light, which in turn makes it recognizable that the *first* candle is for the sake of a Mitzvah; for otherwise people would say that he lit that one candle just for his personal needs, *since it's standing on the table*. This *proves* that the measures which ensure recognizability are necessary even "nowadays". However, if this is how the *Gra* understands our *Rema*, then the *Rema* here would have to be referring to someone who is lighting only the Chanukah candles and no "extra" one (because if there's an extra one - then *that source itself* shows us that that's enough), and it seems difficult to accept that, since we see below (673:1) that the general *minhag* is to have an "extra" candle [the "*shamash*"] in all cases.

<sup>79</sup> See the paragraph (and footnote) on this point, in the previous *se'if*.

The second half of the Shulchan Aruch's ruling for se'if 7 follows the development of seven subjects:

#### LIGHTING IN THE SYNAGOGUE

The Rivash<sup>o</sup> (responsum 111) writes:

*To light in the synagogue is a minhag of the ancient righteous ones. For in our time, each of us in his home is unable to fulfill the Mitzvah in the ideal way in which it was instituted, which is to light at the entrance to his house - on the outside - for the purpose of publicizing the miracle. Rather, now we are suppressed by the power of the nations - and each person lights at the entrance of his house from the inside, and this commemorates the miracle only for his household alone. Therefore, they started the minhag to light in the synagogue - so that we too will be publicizing the miracle. As such, this is no simple minhag - and therefore we even say the bracha over it. Still, no one is yotzei with that lighting in the synagogue - and everyone must light again in his house.*

The Beis Yosef quotes this, and also brings two other explanations of the minhag<sup>80</sup>, from the Kol Bo<sup>o</sup> (50):

*(2) to publicize the miracle before the entire populace - and to present the order of the brachos before them, for this constitutes a great publicizing for His Name - and a sanctification of His name<sup>81</sup> - as we praise Him "in congregations"; and also -*

*(3) so that those who see it - and otherwise would not be yotzei the Mitzvah<sup>82</sup> [i.e. the out-of-town guests who have no house to light in - just as kiddush in the synagogue was instituted (as discussed in O.C. 269) for guests who eat and drink in the synagogue (Beis Yosef)] - will now be yotzei their obligation.*

Although normally no one is yotzei in the synagogue (as mentioned), the Mishnah Berurah writes that on the first night, since the person who lights in the synagogue says the bracha of "shehecheyanu", consequently if he lights at home afterwards<sup>83</sup> then he cannot say that bracha<sup>84</sup> a second time (unless he's "causing to be yotzei" his wife and household with that home lighting). And in the Sha'ar HaTziyun, he writes that there is an authority who holds that

<sup>80</sup> The Kol Bo adds in his siman 44: "and [it's] a commemoration of the Beis HaMikdash". The Beis Yosef does not bring this explanation at all. The Gra supports the synagogue lighting by comparing it to saying Hallel in the synagogue on the first night of Pesach (which has a source in the Yerushalmi), since both are done in order to publicize the miracle. This seems to fit with the Bi'ur Halacha, who implies that the authoritative reason is "to publicize the miracle 'in congregations'."

<sup>81</sup> The Kol Bo in his siman 44 says this is also "an enhancement of the Mitzvah".

<sup>82</sup> The Kol Bo's own wording here is "who have no house to make the bracha there", which fits the Beis Yosef's interpretation. However, the Kol Bo himself in his siman 44 says that the idea is "to 'cause to be yotzei' those who are not expert and those who are not particular regarding this [Mitzvah]."

<sup>83</sup> But if he lit at home first, then he does say "shehecheyanu" again in the synagogue (Sha'arei Teshuvah<sup>o</sup>, referenced by the Sha'ar HaTziyun).

<sup>84</sup> The Me'iri (brought below in 676:1 under the subject of "brachos without lighting or seeing") holds that the bracha of "she'asah nissim" refers to the time of Chanukah (as he holds about "shehecheyanu" as well). According to that, it might be logical to say that the synagogue lighter should not be able to repeat "she'asah nissim" at home either, since it's for the day and not necessarily for the lighting. However, the Mishnah Berurah does not really accept the Me'iri's position [see there]. In any case, see also the position of R. Moshe Feinstein<sup>o</sup> about this Halacha, quoted below (676:3).

if a guest is the one who lights in the synagogue, then he may possibly not have to light again afterwards at his host's house.

Rav Shmuel Vosner<sup>o</sup> [*Shevet HaLevi* 8:156] on putting out the synagogue candles when leaving:

If the reason for the lighting would be as a commemoration of the Menorah in the *Beis HaMikdash*, then there's no reason to put it out just because the people are leaving. Likewise, according to the reason that guests without houses are *yotzei* with these candles - then certainly "initially" they should not be put out before burning for the required half hour, like any other Chanukah candles. But maybe [we should rule] according to the reason of "publicizing the miracle more publicly" - so maybe that only applies when lighting and while people are still around. [If so, when the people are leaving, there would be no need for the candles to remain lit.] But in practice, it's not proper to put them out, unless there is a concern of theft or fire.

As for where this *minhag* (of lighting in places other than home) applies, Rav Yitzchak Yaakov Weiss<sup>o</sup> [*Minchas Yitzchak* 6:65:3] explains [paraphrased]: "The authorities explained lighting with a *bracha* even in the *synagogue* only with difficulty, so there can be no question that by any other gathering we cannot 'innovate' the use of the *bracha*."

[*We can ask*: What about a place which *is* a synagogue to some extent? And what should be the criteria for "what's considered a synagogue" with respect to this? Should a place only qualify if it has regular services consistently? And if a number of "congregations" share a synagogue, should there be multiple lightings?]

The *Pri Megadim*<sup>o</sup> implies that candles burn in the synagogue in the morning as well. (The *Luach Eretz Yisrael*<sup>o</sup> in fact says that the local *minhag* is to light then, for the duration of *Shacharis*.)

#### WHO DOES THE LIGHTING IN THE SYNAGOGUE

As an introduction, let's see the Mishnah and Gemara in *Yoma* (31b<sup>1</sup> and 32b<sup>4</sup>-33a<sup>1</sup>):

[*Now it was time for the kohen gadol to slaughter the "Tamid" - the first offering of the day of Yom Kippur. He had to do both the slaughtering and also the "collecting of the blood" by himself, because the entire Yom Kippur service must be done by him. How was this accomplished?*]

**The Mishnah says:** *He made a quick killing cut into its throat, and another [kohen] completed the slaughter "on his behalf"*<sup>85</sup> [so the kohen gadol himself could hurry and collect the blood].

**Reish Lakish (in the Gemara):** [When it comes to the slaughter of an offering<sup>86</sup>,] it would have been possible for someone to think that that if no one would complete the slaughter - then it would be invalid by Rabbinic decree [since when slaughtering offerings, it's so central to get out the necessary blood (Rashi)]. So to correct this, it was taught [an extra time<sup>87</sup> (Rashi)]: "The majority of one [vital pipe<sup>88</sup> needs to be cut] for a

<sup>85</sup> This is the more straightforward translation given by Rashi. The other meaning is that the other *kohen* finished it "immediately afterwards".

<sup>86</sup> This explanation (and the relevance of "getting the blood out" mentioned soon) is found in Rashi in *Yoma*, and is stated more explicitly in the parallel Gemara in *Chulin* (29a-29b).

<sup>87</sup> I.e. even though the upcoming teaching could have been understood by extension of other taught material, nevertheless it was stated explicitly in order to shed light on our subject, as follows (Gemara and Rashi, *ibid.*).

bird [to be slaughtered], and the majority of two [pipes] for a land animal" [i.e. to teach that even in the case of offerings, this is all that it's really crucial to cut].

**Question:** But once we know that even Rabbinically there is no decree of the slaughtering being invalid [if it's not completed] - so then why is it required<sup>89</sup> [at all] that another kohen completes the slaughter [as the Mishnah said it is]?

**Answer:** It is [still] a Mitzvah to complete the slaughter [in order to get the blood out well (Rashi)].

To return to our subject: The *Darkei Moshe* brings the Maharil<sup>o</sup>, who seems to take for granted that the "chazzan"<sup>\*</sup> lights in the synagogue. However, as it gets further into Chanukah and there are a lot of candles to light, and the people are in a hurry to start *Ma'ariv*, do they have to wait [i.e. so he can do the entire Mitzvah on his own]? In fact, there's a solution (continues the *Darkei Moshe* in the name of the Maharil): the "chazzan" takes the candle he's using to light all the Chanukah candles (i.e. the "shamash" - see below 673:1), he says the *bracha* and lights the first Chanukah candle<sup>90</sup>, and then he hands the "lighting-candle" over to the "attendant" [i.e. the "gabbai"] of the community - who finishes lighting the remaining candles while the "chazzan" goes back to his regular place and starts *Ma'ariv*.

The *Magen Avraham*<sup>o</sup> and the *Gra* (whose approach is the one explained in the *Mishnah Berurah*) write that this Halacha parallels the above Mishnah and Gemara: The "main person" (the *kohen gadol* / the "chazzan" who made the *bracha*) does the "fundamental part" of the Mitzvah (cutting the majority of two pipes / lighting one Chanukah candle [for the rest is a mere "enhancement"]), but if there is a "pressing reason for hurrying"<sup>91</sup> (for the *kohen gadol* to collect the blood / for the "chazzan" to begin *Ma'ariv*) then someone else can "finish" (cutting what's left of the pipes / lighting the remaining candles). Based on this, rules the *Mishnah Berurah*, such "handing over" is okay whenever there's a pressing reason to hurry, and even in one's home (not like the *Levush*<sup>92</sup>).

[Concerning whether the synagogue lighter can be a minor, see below 675:3 (by "lighting by a minor").]

#### A MOURNER BEING THE "CHAZZAN" ON CHANUKAH (ETC.)

The *Mishnah Berurah* writes the following: Mourners can be "chazzan" on Chanukah [whether in the twelve months of mourning for a parent or the thirty days for others], but only for *Mincha* and *Ma'ariv*. (This is as opposed to *Chol HaMo'ed*, which is fully like a *Yom Tov*<sup>\*</sup> in this respect<sup>93</sup>; and on the other hand unlike *Lag BaOmer* or *Tu B'Shvat* or *Tu B'Av*<sup>94</sup> - when there isn't even Hallel - so then a mourner can be "chazzan" even in

<sup>88</sup> The windpipe and the food pipe, called the "*simanim*" in this context, whose cutting is the fundamentally act in ritual slaughtering.

<sup>89</sup> source's wording: "why do we need [at all for anyone] to complete [the slaughter]?"

<sup>90</sup> This point, that the "chazzan" need light only one candle, is stated explicitly only in the *Rema*.

<sup>91</sup> For if not, it's better that once a person started a Mitzvah he should complete it himself (*Mishnah Berurah* - see Rashi to *Bamidbar* 31:6).

<sup>92</sup> The *Levush* says it's only okay by the synagogue lighting, because there, both people are agents of the congregation to perform the congregation's Mitzvah, as opposed to someone lighting at home, whose Mitzvah is "for himself". The *Eliyahu Rabbah*<sup>o</sup> defends him by disproving the comparison to Yoma: Maybe there it's okay because the *Kohen Gadol* has no alternative at all other than to "hand over" the rest of the slaughtering and move on to the collecting, but a mere "pressing reason" like a hurry to start *Ma'ariv* would not justify such a thing.

<sup>93</sup> The practice of the mourner being "chazzan" is not done on Shabbos or *Yom Tov* (*Shulchan Aruch* volume *Yoreh Dei'ah* 376:4).

<sup>94</sup> Three "days when *Tachanun* is not said" [see "Principles"].



*Shacharis*.) [All the above was from the *Pri Megadim*.] However, on the first night of Chanukah, he should not be the one to light the candles in the synagogue, because the *bracha* of "*shehecheyanu*" is said then; the problem would be that this *bracha* announces that "it's a time of joy for the entire congregation" (as opposed to the "*shehecheyanu*" the mourner says at home, which is *muttar*).

The *Mishnah Berurah* himself elsewhere brings different guidelines about this. (In his "*Ma'amar Kaddishin*" in O.C. 132, he says that on days when "*LaMenatzayach*" is not said [which includes Chanukah - see the end of *siman* 683 below] a mourner cannot be "*chazzan*" at all; and by the Halachos leading up to *Rosh HaShanah* (O.C. 581 n7) he says a mourner can be "*chazzan*" even for *Shacharis* as long as someone else leads the Hallel itself.)

#### THE BASIC POSITION (AND ORIENTATION) OF THE CANDLES IN THE SYNAGOGUE

The Tur brings from the Smak<sup>95</sup> that in the synagogue we put them in the south<sup>95</sup>, to commemorate the Menorah, which was on the southern side (of the inside of the *heichal*\*).<sup>96</sup> [The *Darkei Moshe* points out that this is not like a certain place's practice.] But should the candles be arranged north-to-south, or east-to-west?

The Gemara (*Menachos* 98b<sup>2</sup>) clarifies this concerning the Menorah in the *Beis HaMikdash*:

**The Rabbis taught in a Baraisa:** *Rebbi* [i.e. R' Yehudah HaNasi] says that the tables [which Shlomo made] were positioned with their ends facing east and west; and R' Elazar bar R' Shimon says: north and south.

**The Gemara explains the reasoning of Rebbi:** He derives this from the Menorah: Just as the Menorah was oriented to the east and west - so too the tables should be oriented to the east and west.

**And as for how he knows that the Menorah itself was oriented east-west:** That is derived from the *pasuk*\* of the western "candle" (*Sh'mos* 27:21): "Aharon ... shall set **it** up ... before Hashem" [i.e. toward the west<sup>97</sup> (Rashi)]. The obvious inference is that only **one** of the "candles" is "before Hashem" (or at least to the greatest degree). But if the Menorah were oriented to the north and south - so then **all** the "candles" would be equally "before Hashem"! [So the opposite must be true.]

**Question:** So why doesn't R' Elazar bar R' Shimon agree to the above reasoning?<sup>98</sup>

**Answer:** He must hold that the Menorah **itself** was positioned oriented to the north and south.

**Question:** But doesn't he **also** have to deal with the *pasuk* "Aharon and his sons shall set **it**"?

<sup>95</sup> Furthermore, even under circumstances where an individual lights *outside*, nevertheless the synagogue lighting is *inside* (*Bi'ur Halacha*).

<sup>96</sup> See below (at the end of 675:1) in the name of R. Yitzchak Abouhav<sup>o</sup>, who says that the reason we are not concerned that the synagogue lighting be by the *entrance* is since it's merely a *minhag*. (He says that instead it's done before the *Aron HaKodesh*<sup>s</sup>; see the next subject here for more about that.)

<sup>97</sup> The Holy of Holies was at the westernmost end of the Sanctuary.

<sup>98</sup> Actually, before reaching this point, the Gemara goes through three steps: (1) It says that the reasoning of R' Elazar bar R' Shimon is that he derives the Halacha of the tables from the *Ark* [which the Gemara earlier (as Rashi points out) said was oriented to the north and south]; (2) It asks why Rebbi doesn't *also* derive the Halacha of the tables from the *Ark*; (3) It answers that we choose to learn something which is *outside* the *heichal* from something else which is *outside*, and not to learn something which is *outside* from something which is *inside*. [So the logical next question is: Once we have established that it's better to learn from the Menorah, why does R' Elazar disagree with Rebbi?]

**Answer:** [He holds that] the Menorah's "candles" were turned sideways [i.e. the wick-hole of the middle "candle" pointed **west**, while those of the others pointed **toward the middle one** (Rashi)], as taught in the following Baraisa: The pasuk says (Bamidbar 8:2) "The seven 'candles' shall shine pointing in the direction of the 'face' of the Menorah" [i.e. the middle "candle" - which rests upon the main (shaft) of the Menorah (Rashi)], to teach [us] that they were [all] turned toward the middle "candle"<sup>99</sup>.

To apply this to our subject, the *Beis Yosef* brings five points from the *Terumas HaDeshen*<sup>o</sup> (104):

(1) Regardless of which of the above positions we will adopt about the orientation of the Menorah, we have to put the synagogue Chanukah candles in that same orientation [as a commemoration (*Mishnah Berurah*)].

(2) The normal principle for ruling on such a disagreement is "the Halacha follows Rabbi against his contemporaries" (*Eiruvim* 46b), and in fact Rashi in his commentary to the *Chumash* follows Rabbi's position.<sup>100</sup> [The *Gra* points out that Rashi in *Shabbos* 22b also leans in favor of Rabbi<sup>101</sup>, and that the Ra'avad<sup>o</sup> (to the upcoming Rambam) and Tosafos (to *Menachos* ibid.) support Rabbi - citing the language of the Mishnah in *Tamid* (3:9): "the two easternmost candles".]

(3) On the other hand, the Rambam<sup>102</sup> and the Smag<sup>o</sup> accept R' Elazar bar R' Shimon's position. (The *Gra* says this is supported by *Megillah* 21b. [The Gemara there quotes the above Baraisa in line with R' Elazar's position, and issues a practical ruling<sup>103</sup> based on it.]

(4) The majority of communities follow Rabbi, like the principle from *Eiruvim* [and the rest of what's on that side], so that's the practice which should be adopted in any place that doesn't already have a *minhag*.

(5) However, where there's already a *minhag*, "every river and how it spreads" [i.e. each place can have its own *minhag*].<sup>104</sup>

The *Beis Yosef* himself concludes by saying that the east-west orientation is "the accepted *minhag*", and the *Darkei Moshe* agrees, and so rules the *Shulchan Aruch* (implicitly, and the *Rema* spells it out), as quoted soon. However, the *Mishnah Berurah* says that one does not protest at places which have the *minhag* to orient their synagogue candles north-south.<sup>105</sup>

<sup>99</sup> The Baraisa concludes: "R' Nassan says: From here we learn that 'middle is best'." Rashi explains that he is referring to the three men who read the Torah on Monday and Thursday - the middle one reads four (*pesukim*<sup>\*</sup>) and the others each read three.

<sup>100</sup> When Rashi brings the Baraisa's explanation of "in the direction of the 'face' of the Menorah", he calls the other six candles "the three eastern ones" and "the three western ones".

<sup>101</sup> I.e. by explaining a Gemara there by means of a Midrash which agrees with Rabbi.

<sup>102</sup> Halachos of the *Beis HaMikdash* 3:12. The *Sha'ar HaTziyun* writes that the Rivash<sup>o</sup> also holds this way.

<sup>103</sup> The "middle is best" Halacha (see footnote just above).

<sup>104</sup> "Every river etc." is the language that the Gemara uses (in *Chulin* 18b and 57a) to say that each place can have its own *minhag*.

<sup>105</sup> Following the *Magen Avraham*<sup>o</sup>, who supports saying "every river and how it spreads" as above - since both sides have a basis to rely on (*Sha'ar HaTziyun*).

## MORE ABOUT "POSITIONING" FOR THE SYNAGOGUE LIGHTING

The *Beis Yosef* says that "the accepted *minhag*" is to fix the Chanukah candles into place right up on the southern wall of the synagogue itself (and that's what he writes in the *Shulchan Aruch*, as quoted soon). The *Mishnah Berurah* adds the option of having them on a table standing by that wall.

The *Mishnah Berurah* then brings the *Chasam Sofer*<sup>o</sup> (O.C. responsum 186), who says that the first Chanukah candle to be lit should be the "*menorah*"'s closest candle to the *Aron HaKodesh*<sup>\*106</sup> - which generally stands by the eastern wall of the synagogue<sup>107</sup>, and therefore as follows:

- (1) The "*menorah*" goes on the *southern* side of the *Aron HaKodesh* (as above [from the *Smak*]),
- (2) Its candles are oriented to the east and west (generally, as above [from the *Terumas HaDeshen*]),
- (3) On the first night, one lights a Chanukah candle on the right end of the "*menorah*" (following the position of the *Shulchan Aruch* below 676:5 with respect to "the order of the lighting"),
- (4) **SO**, the lighter has to stand to the south of a table with the "*menorah*" on it [i.e. between the table and the synagogue's southern wall], facing north, so that when he lights at the end of the "*menorah*" which is on his right (i.e. the end pointing east) - that will also be the end closest to the *Aron HaKodesh*.

[The *Mishnah Berurah* then refers to "what I write at the end of *siman* 676". Apparently, he means the *Sha'ar HaTziyun* there (n21), which explains why according to the position of the *Gra* there (in his disagreement with the *Shulchan Aruch* just mentioned in step #3), the *Chasam Sofer*'s principle results in the *opposite* (i.e. the lighter stands to the *north* of the candles - facing *south* - and lights first on the *left* end); see there.]

#### R. Betzalel Stern<sup>o</sup> [*Betzeil HaChochmah* 2:50] on more ways of determining synagogue "positioning":

The reason for the synagogue lighting to be in the south is [as mentioned] to commemorate the Menorah in the *Beis HaMikdash*. There are two other aspects of how the Menorah was positioned in the *Beis HaMikdash*, which could also be relevant:

(1) A number of authorities mention the *minhag* of Berona, to light on the northern side of the synagogue. Presumably, that was done because the Menorah was in the *left* half of the *Beis HaMikdash* (from the point of view of someone coming in through its entrance, which was in the east); so since their synagogues "faced east" (i.e. the entrance in the west, and the *Aron HaKodesh* in the east [as above]), their "left side" was in the north. Now, *our minhag* is to consider "south" more important than "left". But if a synagogue in fact "faces west", then *both* approaches would agree on using the left, which would *also* be the south.

(2) The Rambam writes (Halachos of the *Beis HaMikdash* 3:17 - based on the Tosefta {*Yoma* 2:11}) that the Menorah was placed in the *innermost* area of the *heichal* [i.e. *far* from the entrance]. And since we learned that in the synagogue we light by the *Aron HaKodesh*, so it's like the *Beis HaMikdash* in that respect as well. But what about a synagogue which "faces north", so its south side is also its *outermost* side [i.e. *near* the entrance]? Well, since the authorities

<sup>106</sup> The *Mishnah Berurah* here does not emphasize this point. However, it's totally clear that it's the *Chasam Sofer*'s focus, (1) in the responsum itself, and (2) in the application of the *Sha'ar HaTziyun* (below 676 n21), as brought soon.

<sup>107</sup> The *Shulchan Aruch* says in the Halachos of the synagogue (O.C. 150:5) that the *Aron HaKodesh* goes on the side toward which one prays [in that part of the world - which in Europe meant east, toward the Land of Israel and Yerushalayim (as set forth in O.C. 94:1)], and the synagogue's entrance goes on the opposite side.

emphasize specifically the south, we see that it's the most important. And in this case, we can *also* have the lighting on the *left* side [i.e. by lighting in the south*west*]. (However, if so, the lighting shouldn't be right next to the entrance itself, because since a synagogue doesn't need a *mezuzah*, then if one were to light right next to its entrance - one would really have to light on the *right* side [as above]. Rather, the lighting should be merely in the southern *half* of the synagogue.)

[As for the *height* of the synagogue candles, see above (by the first subject of *se'if 6*).]

#### WHEN IN THE EVENING IS THE SYNAGOGUE LIGHTING?

The *Darkei Moshe* brings from the *Kol Bo*<sup>o</sup>, the *Avudraham*<sup>o</sup>, and the *Maharil*<sup>o</sup>, that the *minhag* is to light between *Mincha* and *Ma'ariv* on the weeknights, and before *mincha* on Friday afternoon. [The time for the lighting at the departure of Shabbos is discussed below (681:2).] However, the *Darkei Moshe* then writes that "our" *minhag* is to light between *Mincha* and *Ma'ariv* even on Friday afternoon. (In the *Rema* he doesn't show any strong preference [as quoted soon], and the *Mishnah Berurah* brings the *Maharshal*<sup>o</sup> who in fact rules like the *minhag* to light beforehand, but then the *Mishnah Berurah* brings the "preferential language" of the *Darkei Moshe*, explaining that only *after Mincha* comes the real "gathering" - so *that's* publicizing the miracle [but see the next subject]. The *Mishnah Berurah* also refers to below (at the end of *siman* 679), where he writes in the name of the later authorities that even for *each individual* it's correct "initially" to pray *Mincha* before lighting.

Getting back to weeknights, the *Mishnah Berurah* explains that the *synagogue* lighting is early even according to the position that *individuals* don't light until the stars come out [as explained below (672:1)]. He explains that only before *Ma'ariv* is the "gathering" still together, and furthermore, it wouldn't be right to hold up the people *afterwards* - since that's when everyone has to hurry home for their *own* lightings.

#### WHETHER IN THE SYNAGOGUE ONE CAN ONLY LIGHT IN THE PRESENCE OF TEN

As an introduction, let's see the Gemara in *Kesubos* (7b<sup>1</sup>):

**Rav Nachman quotes a Baraisa**<sup>108</sup>: *How do we know that "Sheva Brachos"*<sup>109</sup> *is only said in the presence of [at least] ten [men]? From the pasuk*<sup>\*</sup> *(Ruth 4:2 [when Boaz marries her]): "And he took ten men from [among] the elders of the city, and he said to them 'sit here'."*

**R' Abahu disagrees**: *[That Halacha is derived] from the pasuk (Tehillim 68:27): "In 'congregations' bless [the] G-d Hashem - over the 'source' of Israel [i.e. marriage]". [After all, "in congregations" cannot mean less than an "assembly" - as it says (Bamidbar 20:8): "congregate the assembly"; and in Brachos (21b) we learn that an "assembly" is at least ten - from the ten spies (i.e. all but Yehoshua and Kalev) who were called (Bamidbar 14:27) "this evil assembly" (Rashi).]*

**The Gemara asks**: *So what does R' Abahu derive from that pasuk of Rav Nachman's?*<sup>110</sup>

<sup>108</sup> source's wording: "Rav Nachman said: Huna bar Nassan said to me: A Baraisa teaches", etc.

<sup>109</sup> The seven *brachos* said at a wedding and during its festive week (the Gemara refers to them as "the *bracha* of *chassanim*").

**So we answer for R' Abahu:** He will say that the purpose [of Boaz's gathering] was to clarify the basis of his being allowed to marry Ruth<sup>111</sup> [- i.e. **not** for the "Sheva Brachos"].

**And R' Abahu can add:** [Really, this is the **only** possible explanation!] For if the gathering's purpose was for the "Sheva Brachos" - [then] why would he have needed [specifically] **elders**?

**It could be that Rav Nachman would retort:** I can just as easily ask **you**: If the gathering's purpose was for clarifying the Halacha - [then] why would he have needed [specifically] **ten men**?

**But R' Abahu would explain:** In order to **publicize** the Halacha!<sup>112</sup>

From this Gemara we see that "to publicize" something, we need the same context which is called "in congregations" - i.e. the presence of ten people. And indeed, the *Bi'ur Halacha* brings the *Mor U'Ketzi'ah*<sup>o</sup>, who holds that the same is true of the synagogue lighting. (This makes even *more* sense when we remember that the *Kol Bo*<sup>o</sup> described the purpose of this lighting as being to praise Hashem "in congregations", with that exact same wording from *Tehillim*.) However, it seems that the *Mor U'Ketzi'ah* was reluctant to disagree with the Maharil<sup>o</sup> (quoted by the *Magen Avraham*<sup>o</sup> here), who wrote that synagogue candles were lit on Friday afternoon before the people were gathered in the synagogue. So the *Mor U'Ketzi'ah* wrote that the Maharil meant without a *bracha*, and that this was done only because they had run out of time (and it's just that the lighting still shouldn't be *entirely* abandoned).

The *Bi'ur Halacha* disagrees, and says that the "publicizing" of Chanukah candles is different. The proof: We see that *no one* claims that the lighting of *individuals* needs ten people to be watching! (And yet, the Gemara calls the lighting of individuals "publicizing the miracle!"<sup>113</sup>) So we are forced to say that *the lighting itself* is considered a publicizing of the miracle; after all, the Sages instituted it as a practice for the Jewish people! And although the synagogue lighting was *not* actually instituted, but rather it's merely a *practice* of the entire Jewish people [as above], but still it should *at least* be sufficient that *afterwards* the entire congregation will be in the synagogue seeing the candles lit. (He points out that this is what the *Magen Avraham* himself says - that if time is running out on Friday afternoon, then the candles should be lit *with a bracha*, since afterwards the people will come and see them; just like anyone can light by the street when no one is around - because people come *afterwards*.) The *Bi'ur Halacha* adds<sup>114</sup> that this approach is supported by the Avudraham<sup>o</sup>, who says one reason that even someone who merely *sees* Chanukah candles says a *bracha*<sup>115</sup> is because of the publicizing of the miracle! (So we see that

<sup>110</sup> Actually, the Gemara also deals with the question of what Rav Nachman does with R' Abahu's *pasuk*, and why R' Abahu rejects that.

<sup>111</sup> The Gemara brings the following derivation: When it says (*Devarim* 23:4) that Jews are *assur* in marriage to "**an Ammonite**" [i.e. even after conversion to Judaism], the masculine form is a calculated one, teaching that only a *man* from the nation of Ammon is *assur*, **but not an Ammonitess**, and likewise "**a Moabite**" - **but not a Moabitess**. This needed to be clarified in order to justify Boaz's marriage to Ruth, a former Moabitess.

<sup>112</sup> The Gemara brings an example: Shmuel once had "a group of ten" gathered, so that he could teach a certain Halacha *in their presence*.

<sup>113</sup> We see this by the Halacha that Chanukah candles take precedence over the *kiddush* of Shabbos (*Shabbos* 23b - see below 678:1).

<sup>114</sup> He also adds: (1) It's difficult to say the Maharil meant without a *bracha* (since if so he should have said so explicitly); (2) Those who wrote that the *minhag* on Friday is to light before *Mincha* *must* hold that it can be done even before there are ten (because otherwise they would have explicitly said to make sure that there are ten); (3) The *Chayei Adam*<sup>o</sup> explicitly decides in favor of the *Magen Avraham* concerning this question.

<sup>115</sup> This is explained below (676:3), based on *Shabbos* 23a.

when it comes to Chanukah candles - even merely *seeing* them is "publicizing", and so too here in the synagogue, there can be no greater publicizing, since the entire congregation *will* come and see the candles.)

In conclusion, writes the *Bi'ur Halacha*, if it's *easy* to gather ten - that's fine. But as for the strict Halacha, in the *Mishnah Berurah* he quotes the above *Magen Avraham* (who permits lighting with a *bracha* before ten men arrive).

**And now, here's the rest of se'if 7:** The *Shulchan Aruch* picks up [concerning candle locations] by ruling: **[In addition,] in the synagogue one places it [i.e. the "candle"] on the southern wall.** The *Rema* clarifies: **like the "candles" of the Menorah** [as emended by the *Mishnah Berurah*], **and he arranges them [i.e. the Chanukah "candles"] from east to west.** Then, the *Shulchan Aruch* explains: **And we light with a *bracha* (in the synagogue) in order to publicize the miracle.** The *Rema* continues: **[However,] no one is *yotzei* with the "candles" of the synagogue, and [therefore] one has to light again in his home; and the *minhag* is to light in the synagogue between *Mincha* and *Ma'ariv*; and on the eve of Shabbos some have the *minhag* to light before *Mincha*; and if they [i.e. the people] want to hurry and pray - [then] after the "*chazzan*" said the *bracha* and lit one of them [i.e. the Chanukah "candles"] - [then] the "attendant" will be able to light the remaining ones, and the "*chazzan*" will pray.**

### The development of: ***Se'if 8***

#### THE BASIC IDEA OF HAVING TO LIGHT BY EVERY ENTRANCE BECAUSE OF "SUSPICION"

The Gemara (*Shabbos* 23a<sup>3</sup>):

**Rav Huna said:** *A courtyard which has two entrances needs two "candles"*<sup>116</sup> [even if both entrances serve the same person (*Mishnah Berurah*)].

**Rava clarified:** *We only say this when the two entrances face two directions*<sup>117</sup> [although we **do** say it even if one is in the north and one is in the east (*Rashi*)]; but if they face the same direction - then it's not necessary [to light twice].

**And the Gemara's final explanation of the reasoning is:** *The need for two "candles" is to prevent "suspicion" by the people of that city*<sup>118</sup>; [for] sometimes they pass by one [entrance] and do not pass by the other [entrance], and they [might] say [i.e. think]: "Just as he didn't light by this entrance [i.e. as I just saw] - so too [I suppose that] he didn't light by the other entrance either!"

<sup>116</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. *Rashi* explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought in *se'if 3* above.

<sup>117</sup> source's wording: "We only say [this when the two entrances emerge] from two directions".

<sup>118</sup> The point here is as follows: If we were concerned about "suspicion" by visitors from *outside* the city, we would have to deal with *that* even when the entrances are facing the same way, because visitors would suspect that the entrance with no Chanukah candle belongs to a separate person (who must not have lit at all), since visitors are not familiar with "who lives where" in this city (*Gemara* and *Rashi*). But the *Gemara* is now concluding that we are in fact *not* concerned about such visitors, because they are not [normally] to be found in the streets after dark (*Sha'ar HaTziyun*, from the *Magen Avraham*<sup>o</sup>).

Rashi explains that the Gemara is talking about a house which has two entrances leading out into the courtyard. He *has to* say this, because he holds [as explained above in *se'if* 5] that the candles go at the *house's* entrance, not the *courtyard's*. However, this is only relevant to explaining the Gemara's words, because either way, the *Mishnah Berurah* writes that our *Halacha* applies equally to a two-entrance *house*, or to a two-entrance *courtyard* (as long as those two entrances create the issue of potential "suspicion"<sup>119</sup> (*Sha'ar HaTziyun*)).

As for Rava's clarification, the *Darkei Moshe* brings the *Kol Bo*<sup>o</sup>, who says that even if the two entrances face the same direction (where Rava said it's *not* necessary to light twice), nevertheless, if the two entrances serve two separate houses - just that they happen to *belong to* the same person - so then he *does* have to light twice. The *Mishnah Berurah* explains (1) that the *Kol Bo* actually means even if there's only *one* house, just that it's divided on the *inside*; and (2) the *Kol Bo's* reasoning: in such a case, even the *locals* can suspect that the entrance with no Chanukah candle belongs to a separate person [because even their knowledge of their own town might not extend so far that they will know about one person occupying two residences (*Sha'ar HaTziyun*)]. (The *Magen Avraham*<sup>o</sup> and the *Gra* disagree about whether a certain Rashi<sup>120</sup> is a proof *for* the *Kol Bo* or *against*, but the *Mishnah Berurah* refers to the one who disagrees with the *Kol Bo* with the weak language: "there are some who are lenient.")

So now let's see the *Shulchan Aruch* (with one point from the *Rema*) [although clarifications - and the rest of the *se'if* - are still to come]: **[In the case of] a courtyard which has two entrances [which emerge] from two directions - it is necessary to light by both of them because of [the [potential for] "suspicion"; but if the two entrances are on the same side (and they're [emerging] from the same house<sup>121</sup> {Rema}) - [then] it is sufficient for him [to light] by one of them.**

[The principles of "suspicion" are discussed further by the Halachos of a "guest" (677:1 below).]

The *Beis Yosef* asks: We learn in *Brachos* (8b & 61a): "It's *assur* to pass behind [the entrance of] a synagogue while the congregation is praying; and we only say this if there's no *other* entrance; but if there's another entrance - [then] it's not [a problem]", which is because then people will assume that "he's going inside through the other entrance" (Rashi). This raises the question: Why don't we say similarly with respect to Chanukah as well: that even when people see that someone didn't light by *one* entrance - [still] they won't come to suspect him - because they will assume [that] he lit by the *other* entrance!

<sup>119</sup> So for example, if a house has two entrances, and each one leads to a separate courtyard-entrance (out to the public domain), then *everyone* would agree that there's a potential for "suspicion", since the "two entrances" *definitely* mean *two potential places to light* (and all the more so if a house's two entrances both open *directly* into the public domain).

<sup>120</sup> On the point (brought in an earlier footnote) that "visitors would suspect that the entrance with no Chanukah 'candle' belongs to a separate person", Rashi's wording is: "they will think that the house is divided on the inside."

<sup>121</sup> On the surface, this does not fit with the *Shulchan Aruch*, who is referring to a case where a courtyard has two entrances out to the public domain (not "from the houses" like Rashi said [as discussed above]). This is because the *Shulchan Aruch* ruled like *Tosafos* (above in *se'if* 5). The *Sha'ar HaTziyun* explains that the *se'if* can still be read in "*Tosafos's* world", as follows: In an earlier footnote, we explained that if one house has two entrances, and each one leads to a separate courtyard-entrance (out to the public domain), then Rashi and *Tosafos* have the identical point of view; so that can be the "case of the *Shulchan Aruch*" to which the *Rema* can apply the *Kol Bo's* wording.

He answers: [1] Prayer is different; for since if someone doesn't pray then he's [actually] throwing off the [entire] yoke of Heaven - so people won't suspect him of *that* (as long as there's another entrance [with which to "explain him"]). Alternatively: [2] It's only with respect to Chanukah candles that people suspect someone when they see "one out of two unlit" - because *that* involves a monetary expense.

BY WHICH LIGHTING DOES ONE SAY THE BRACHA?

The *Beis Yosef* quotes the *Ran*<sup>o</sup> (to 10a of the Rif), who writes: "It makes sense [to say] that since he's only lighting because of 'suspicion', [so] he only says the *bracha* by one entrance."

Accordingly, the *Rema* continues: **[However,] if someone lights by two entrances - [then] he says the *bracha* only by one of them; and by the second one, he lights without a *bracha*.**

WHETHER THIS ISSUE OF "SUSPICION" APPLIES "NOWADAYS" (when "we light indoors"<sup>122</sup>)

This question is discussed in the *Tur*<sup>o</sup> and the *Darkei Moshe*:

*The Sefer HaTerumah*<sup>o</sup> writes: *Nowadays it doesn't apply; for nothing is recognizable to anyone but the household, and they know that both entrances belong to the same person! [The Beis Yosef says that the Smak<sup>o</sup> and the Mordechai<sup>o</sup> agree.]*

*The Tur disagrees: Since we light at the entrance to the house, whoever is passing to and fro can see whether a person didn't light - so there is "suspicion".*

*The Darkei Moshe points out that Rabbeinu Yerucham<sup>o</sup> wrote: Now, the minhag is to light [just] inside the entrance [which is immediately] by the public domain. But there are those who have the minhag to light [just] inside the entrance [which is immediately] by the courtyard, because there are thieves and hostile non-Jews around.<sup>123</sup>*

*So the Darkei Moshe concludes: Based on the above, I understand that in the days of the Tur, that was the minhag - to light at the entrance to the house; and that's why he holds that it's recognizable to those who would pass to and fro. But in our days, when we light in the "winter house" which is totally indoors - then it's clear that there's nothing recognizable to anyone passing to and fro, so no one has to light more than once; and that's the minhag. ([Furthermore,] this also explains why people do not concern themselves to light in the tefach nearest to the entrance [see the end of the first half of se'if 7 above].)*

The *Shulchan Aruch* seems to agree with the *Tur* (since he wrote our Halacha with no reservation). But the *Rema* concludes: **However, nowadays - when everyone lights totally indoors, and there's nothing at all recognizable**

<sup>122</sup> This was discussed above in *se'if* 5.

<sup>123</sup> Actually, he adds a second reason: A *mezuzah* would not be put at the entrance by the public domain (because it could be stolen), but rather only at the entrance out into the courtyard, so only *there* could one have "the *mezuzah* to the right and the Chanukah candle to the left" (see above, toward the beginning of *se'if* 7).



**to people in the public domain, [as such] even if a courtyard or a house has many entrances in many directions - one [still] lights only once, inside; that's what I hold - and that's the accepted *minhag*.**

*We can ask:* What about our *own* "nowadays"? Should people have to light in windows facing every possible direction, and perhaps also by their outside entrance [at least in the Land of Israel<sup>124</sup>]? Or can we assume that passersby will say "they must have lit in a more visible spot<sup>125</sup> which I can't see", or "they must have the *minhag* to follow the Halachic positions which call for lighting somewhere other than where I'm looking"?

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<sup>124</sup> Above by *se'if* 5, we brought R. Moshe Shternbuch<sup>o</sup>, who explained why it's only in the Land of Israel that people light outside nowadays.

<sup>125</sup> This would be based on saying that all other issues being equal, one chooses one lighting spot which is the most "visible".

## **O.C. *siman* 672 : The Lighting Time for the Chanukah Candles**

*Note that the order of the se'ifim is reversed.*

### **The development of: *Se'if* 2**

The Shulchan Aruch's ruling for *se'if* 2 (with the Rema) follows the development of four subjects:

#### THE END OF THE LIGHTING TIME (ACCORDING TO THE GEMARA)

The Gemara (*Shabbos* 21b<sup>1</sup>):

*[The Gemara is discussing the position that if a Chanukah "candle" goes out, it does not have to be re-lit (as explained more fully below 673:2).]*

**A Baraisa is brought [to contradict the above idea]:** The Mitzvah [of the Chanukah "candle"<sup>1</sup>] is from sundown until "no foot remains" in the marketplace [i.e. even the "feet" of the Tarmodeans (Gemara soon afterwards) - and they take until about a half hour after sundown until they reach their homes (Rif)].

**So that should prove the point [that the above idea is wrong]:** Isn't the significance of this "range of time" that if the "candle" went out within this time - [then] he lights it again?

**Answer:** No, [there are two other explanations to give:] (1) That [only within this time limit] if he didn't light it yet - so **then** he still lights it... [The other explanation is the third subject of this *se'if*.]

Now, the Halacha is that we indeed accept the idea that if the candles go out, they don't need to be re-lit. So we certainly need the Gemara's answer. The conclusion seems clear: A person has to light *before* "no foot remains", and after that - if he didn't light then it's too late.

Actually, there are two reasons this might not be true.

The first is that the Gemara's *second* alternate explanation is totally different, so if we would choose to accept *that* explanation, then there would no longer be a source for a "latest lighting time". And in fact, Tosafos (in the name of "the *Ri Poras*") and the Rosh<sup>o</sup> both say they're in doubt about this, and they therefore rule: Even though "one should be careful to light as soon as it's night - to make sure not to be too late; but still, if someone missed the time - he should light out of doubt"<sup>2</sup>.

The second reason there may be no "latest lighting time" is the position of the Rashba<sup>o</sup> (ibid.):

*The Gemara does **not** mean that if one does not light within this limit - [then] he does not light [any more]. After all, we learned in a Mishnah<sup>3</sup> (Megillah 20a): "Any Mitzvah that is to be done by night can*

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>2</sup> Tosafos's wording. The Rosh's is: "Even though there's another answer - it's proper to be stringent and light the Chanukah 'candle' at the beginning of the night." This is the same position as Tosafos (*Beis Yosef*).

<sup>3</sup> This Mishnah is mainly dealt with in the Halachos of Purim (687:1), where the details regarding the Megillah reading are discussed.

*be done throughout the night"! Rather, the Gemara here merely means that [if he misses the limit] he did not do the Mitzvah properly.*

The Tur<sup>o</sup> writes that even if someone missed the "time", he still lights. That sounds clearly like he holds that one would then be lighting out of certainty [i.e. with the *bracha*<sup>4</sup>]. This matches the Rashba's position<sup>5</sup>.

However, the Rambam (4:5) accepts the above explanation #1 of the Gemara, simply and clearly:

*If someone did not light as the sun comes down (by mistake or on purpose)<sup>6</sup>, he continues to have the Mitzvah to light until "no foot remains" in the marketplace. And how long is this time [period]? About a half hour or [a little] more<sup>7</sup>. If this time passed [and someone still didn't light yet], he does not have the Mitzvah to light [any more].*

To summarize: (1) The Rambam holds that the Baraisa's "latest lighting time" is *definitely* the *absolute* latest, (2) Tosafos and the Rosh hold that it's *possibly* the absolute latest, and (3) the Rashba and the Tur hold that it's only the latest time to do it *properly*.

As for the *Shulchan Aruch*, he rules that one "continues to have the Mitzvah to light throughout the night" [as quoted soon]. The *Be'er HaGolah*<sup>o</sup> and the *Gra* explain that this is like Tosafos and the Rosh; according to that, the meaning of the ruling is that one lights without a *bracha*. However, the *Magen Avraham*<sup>o</sup> says that the simple language implies that one *would* say the *bracha*. [It sounds like the *Magen Avraham* means that the *Shulchan Aruch* rules like the Rashba (which would fit nicely with his using the wording "throughout the night", just like the Rashba's source from *Megillah*<sup>8</sup>). However, another understanding could be that the *Shulchan Aruch* only ruled this way for "nowadays" - based on the approach that *we* always have all night (as discussed in the next subject).]

The *Mishnah Berurah* explains that "throughout the night" means until "the first ray of dawn" [*"amud hashachar"*].

*We can ask:* What if someone didn't manage to light until twenty minutes before then? Should we say that he cannot light any more, since the candles won't be able to burn "at night" for a half hour [see "the amount of oil" below]?

#### THE END OF THE LIGHTING TIME "NOWADAYS" (when "we light indoors"<sup>9</sup>)

The Tosafos (*Shabbos* 21b) writes: "The 'Ri' holds that *now* one should not be concerned [about] when he should light, because by us there's nothing recognizable except for the members of the household; for after all - we light indoors."

<sup>4</sup> As opposed to if he were in doubt, since then "doubts about *brachos* call for being lenient" and not saying the *bracha* [see "Principles"].

<sup>5</sup> The *Beis Yosef* (who doesn't mention the Rashba at all) is surprised at the Tur's position. It is in fact rare that the Tur does not side with the Rosh.

<sup>6</sup> The Rambam holds that "initially" one should light at the *beginning* of the time period, as we learn in *se'if* 1.

<sup>7</sup> The Tur & *Shulchan Aruch* omit the phrase "or more", and instead explain what this time limit refers to (as quoted soon). [As for our insertion "a little", see the discussion of R. Moshe Shternbuch<sup>o</sup> (after the next subject), where he proposes a different approach to the Rambam's "or more".]

<sup>8</sup> Parenthetically, this phrase also seems to contradict the Maharshah<sup>o</sup>, who says that one can only light until midnight. The *Magen Avraham* as well explicitly rules against the Maharshah, and the *Mishnah Berurah* does not even mention such a position.

<sup>9</sup> This is discussed above (671:5).

The Tur<sup>o</sup> says in the name of the Smag<sup>o</sup> that nevertheless, it's proper to light while the members of the household are still awake [i.e. the rest of the household, and not just the lighter himself].

The *Darkei Moshe* says that the *minhag* is in fact like Tosafos. But in the *Rema*, he just refers to Tosafos as "some hold", and then he proceeds to say that "nevertheless it's better to be careful nowadays as well." We need to understand his source for that statement. There seem to be two possibilities, and both have problems:

(1) The *Darkei Moshe* ends his discussion (of the Halachos of when to light) by bringing from *the Maharil*<sup>o</sup> that one should light "immediately after sundown". **However**, it's hard to say this was the *Rema*'s source, because the *Rema* doesn't say to light "immediately", just "to be careful" not to wait until after "no foot remains".

(2) **The Tur** ends his discussion by saying that even "nowadays" one has to "be particular", because "we light by the doorway to the house, and it's open, so it's recognizable to those who pass to and fro." **Still**, how could the *Rema* follow this, after he declared above [at the end of the previous *siman*] that "in *our* days" (when the candles are *totally* indoors) that doesn't apply?

It seems that we are forced to say that the statement is based on the *Maharil*, and the *Rema* holds that anyone who says there's no "latest time" nowadays *automatically* will say there's no need to light "immediately" either [even merely "initially"], and vice versa as well, so that the two points are interdependent. However, the *Bi'ur Halacha* explains the *Rema* as being based on the Tur. [So all of this needs further examination.]

The *Rema* does not mention the Smag's point about household members being awake. But the *Mishnah Berurah* does, and he even writes: (1) They should be gathered at the lighting; (2) If they're all asleep, one does not say the *bracha* (however, in the *Sha'ar HaTziyun*, he writes that if someone *does* say the *bracha* with no other Jew watching, then one does not oppose that<sup>10</sup>); and therefore: (3) If one comes home to find everyone asleep, then the proper thing is to wake them up<sup>11</sup>.

Rav Moshe Shternbuch<sup>o</sup> (*Mo'adim U'Zmanim* 2:141) on applying this in our own "nowadays":

Nowadays, streets (and interiors) are electrically lit, and people's schedules are not subject to sundown in the way they used to be. As a result, it's crucial to clarify how flexible the specification "until no foot remains" is, and in what way. (This can affect the end of the lighting time [as has been discussed here], the amount of oil to use [discussed in the next subject], and the candles' being *assur* to use or to put out [which is dealt with below 673:1].<sup>12</sup>

The Rambam [quoted above] says this specification refers to about a half hour "or more". So maybe he means that the half hour specification [which we get from the Rif, as above] is basically a *minimum*; whereas in a case where it takes longer than that until "no foot remains" - then the specification "extends" until then.

Now, the Gemara said that the language "no foot remains in the marketplace" includes even the "feet" of the Tarmodeans. Rashi explains that these were non-Jews who sold wood. But we can't say that the goal was to

<sup>10</sup> I.e. this is in the category of "When there's someone to fall back on" [see "Principles"].

<sup>11</sup> It would seem that this only means as far as the Halachos of Chanukah are concerned. Of course, there could easily be reasons *outside* of the Halachos of Chanukah that one should not wake those people up; that would have to be examined separately.

<sup>12</sup> In addition, we will learn below (in 675:1, under the subject of "lighting inside and bringing it outside") that one should not move the candles until "a half hour", and we learned above (670:1) about "a *minhag* not to do *melacha*"<sup>\*</sup> while the candles burn (and there, too, "a half hour" is mentioned). These points could also be affected by "until no foot remains" being "flexible".

publicize the miracle even to those non-Jews themselves [because that "doesn't count"<sup>13</sup>]; rather, the rest of that Rashi, where he discusses the timing of their *customers*, must be the main point. And the *Shiltei HaGiborim*<sup>o</sup> says that the reference to these merchants illustrates that it's the "feet" of the *public* that counts, not that of individuals. (Similarly, the Midrash [*Pesikta Rabasi* 2] describes the end of the lighting time with the language "until *most* feet disappear from the marketplace.")

Based on all this, we can propose that the lighting time actually ends when the last "wave" of large groups of people come home from their business day. (We will have to explain that the Sages "ignored" people going out later on, because once everyone has already seen candles [at home, or on their way home], there's no more "publicizing" to do.) If so, then nowadays as well, we could estimate when most daytime stores and businesses close, add to that how much time it takes for people to go home, and that would be the end of the lighting time for nowadays. (Of course, all this is only relevant to whatever degree the candles need to be visible from the street. [See above 671:5 for the practical details.]

However, this whole approach is problematic. For when it comes to the candle-lighting of Friday afternoon, and also the one after the departure of Shabbos, we don't find anywhere that a distinction is made concerning the end of the time, even though on those nights there are *no* Jewish feet "remaining" [i.e. at business day's end] in the marketplace! That should prove that "until no foot remains" is not flexible at all; rather, it's a specification which was established to be used indiscriminately (just that it was *based* on the usual situation [of those times]). This also explains why the authorities do *not* use the wording of the Rambam "a half hour *or more*".

Still, our approach is sufficient reason to say that it's an "enhancement" to put in enough oil to last until the "end of the time" as calculated above. In addition, it's a defense for those who, because of the difficulty of getting home any earlier, light after the standard "half hour" has passed.

#### THE AMOUNT OF OIL TO USE

The Gemara [from the above first subject of this *se'if*] concludes with a second alternative explanation:

...(2) [*The Baraisa's "range of time" is meant*] as a "specification".

The Rif<sup>o</sup> gives two approaches<sup>14</sup> to what that explanation means:

[a] *The Baraisa means to say that one must put enough oil "in it" [i.e. in the container to be used] SO that it will continue burning until that time comes*<sup>15</sup>;

[b] *If it was [already] "burning away" until that time [already came], and one wanted to put it out or to make use of its light, [so then] he has permission.*

Even though the Rambam rules like the Gemara's explanation #1 [as above], he still rules like this explanation as well, and he accepts *both* approaches of the Rif. [Parenthetically, see below (at the end of the "first half" of 673:1 - from the Rashba) that this "specification" is estimated, not measured exactly.]

<sup>13</sup> For more about "publicizing" just to non-Jews, see below (at the end of 677:3).

<sup>14</sup> There is some question as to the correct text of this Rif. The authorities apparently follow the version in which the Rif himself uses both approaches, as two separate meanings. The *Maggid Mishneh*<sup>o</sup>, in particular, says this explicitly.

<sup>15</sup> source's wording: "until that [time] specification". [And likewise in the second approach.]

On the other hand, the *Darkei Moshe* brings one position that "nowadays" this amount of oil is no longer needed [presumably based on reasoning similar to that of the previous subject] (and another authority who basically agrees but seems to require "at least *some* minimum amount").

However, the *Darkei Moshe* also brings "R' Shimshon", who says that even nowadays one has to use "long wicks". [Apparently this refers to some way of preparing candles that will burn for a significant amount of time.] And the *Darkei Moshe* explains that this can't be meant as an *enhancement* of the Mitzvah, because we know that once the *required* amount of time is over - then one can already even *put out* the candles (so we see that the Mitzvah is over then), and "the enhancing of a Mitzvah is only possible during the time [period] of the Mitzvah [itself]"! So rather, he concludes that R' Shimshon's point is that even "nowadays" one needs the Baraisa's amount of oil.

Accordingly, in the *Rema* there is no mention of a difference "nowadays" in this regard [as quoted below], and the *Mishnah Berurah* explicitly rules that there's no difference (except for one point: Whereas if the candles would be recognizable to people "outside", then the relevant "amount of oil" would be defined as enough to last from whenever each person lights until "no foot remains"; conversely, "nowadays that nothing is recognizable to anyone but the household", the relevant amount is *always*<sup>16</sup> that of the Baraisa).

(Concerning the *Darkei Moshe's* point that there's no Mitzvah in the "extra" long, the *Mishnah Berurah* brings that this is true about having "extra" *oil*; but if someone is using *wax* candles, then it is in fact an enhancement that they be long, just not *too* long<sup>17</sup>.)

As for the Rif's "permission" to put out the candles afterwards [i.e. and then use the left-over oil], that is seriously problematic. The *Darkei Moshe* brings the *Mordechai*<sup>o</sup>, who points out that this contradicts the Halacha [mainly discussed in 677:4 below] that all left-over Chanukah oil is *assur* to use [i.e. even *after* the candles go out]. They then quote: "The Maharam answered, that over there it's referring to [when a person] only put in the [exact] required amount." The *Mishnah Berurah* [here] explains that a person only has in mind to "dedicate to the Mitzvah" just the *required* amount of oil; so over here - since the Rif's Halacha is talking about when *that* oil already burned out - consequently the rest is *muttar*. The *Darkei Moshe* adds that the *Hagahos Maimonios*<sup>o</sup> also answers this way, and the *Beis Yosef* himself brings this below in *siman* 677, where he includes this distinction explicitly in his ruling in the *Shulchan Aruch* [below there we will quote the Ramban, who mentions this reasoning as well]. However, the *Beis Yosef* below also brings R. Yitzchak Abouhav<sup>o</sup>, who answers the contradiction with a *different* distinction - that the Rif is only referring to someone who originally *had in mind* that he only intended to dedicate to the Mitzvah the *required* amount of oil (but anyone who didn't have any specific intention about this beforehand is assumed to be dedicating *all* the oil). The *Mishnah Berurah* here brings the consensus of a number of later authorities that "initially" it's better to have in mind beforehand<sup>18</sup> to dedicate only what's required, because of this position.

<sup>16</sup> To be more precise: The *Mishnah Berurah* brings from the *Pri Chadash*<sup>o</sup> that the amount is always "the known amount", and from the *Pri Megadim*<sup>o</sup> that one needs "this amount" even if one is lighting after "no foot remains".

<sup>17</sup> I don't know what this means. [Perhaps that they shouldn't continue burning into the daytime.]

<sup>18</sup> R. Yitzchak Abouhav himself says that the time for this intention is when "putting in the oil". The *Mishnah Berurah* quotes this below in *siman* 677, and it's also apparent that way from the *Bi'ur Halacha* there. However, in *siman* 673, the *Mishnah Berurah* [n21] says that nothing becomes *assur* until the *act of lighting*. Still, it could be that he only meant to say this by *solid* candles (which is the subject in the part of *siman* 673).

And as for the Rif's other "permission" - to use the candles' *light* after the time passes, the *Mishnah Berurah* brings a separate reason to be stringent: People who see him doing this may not be aware that it's *muttar* because of it being past the time; accordingly, one should *not* use the light<sup>19</sup> [even if he *did* have in mind beforehand to dedicate only what's required (*Sha'ar HaTziyun*)]. In the *Sha'ar HaTziyun*, he adds that one shouldn't *move* the candles either, since people will assume he intends to use their light [but concerning this point, see below 675:1, under the subject of "lighting inside and then taking it outside"].

Below (675:2), we will learn that the required amount of oil is crucial to the Mitzvah<sup>20</sup>; and the *Bi'ur Halacha* here indeed says that if someone simply doesn't have enough - then in fact he should not say the *bracha* when he lights. (And see above [from R. Moshe Shternbuch] that if "until no foot remains" is later nowadays - then the candles have to burn for longer.) [The *Darkei Moshe* here discusses the candles going out early on Friday, or while trying to fix them; these are treated as separate subjects below (673:2). Finally, the *Bi'ur Halacha* here mentions wax from idolatry; we will bring that below (in 673:1, under the subject of "which oils to use on a weeknight").]

#### AFTER THE ENTIRE NIGHT HAS PASSED

The Tur says that one certainly cannot light in the daytime, because that's just "a candle at noon"<sup>21</sup>.

At this point, the *Beis Yosef* brings a surprising statement of the *Mordechai*<sup>o</sup> and the *Orchos Chayim*<sup>o</sup> (each in the name of earlier authorities): **"If one didn't light the candles on one of the nights - then he can't light them any more, because the Mitzvah is ruined"**. What exactly does that mean?

So the *Beis Yosef* brings the analysis of the Mahari<sup>l</sup><sup>22</sup>, which he agrees with [and brings additional sources to support]:

*It doesn't make sense to explain [this Halacha] by saying that the lightings of Chanukah are like the days of the omer (whose countings have to be "temimos" ["complete"] or not done at all)<sup>23</sup>, because here each night is certainly a separate Mitzvah - since there was a miracle on all of them<sup>24</sup>. Rather, all it*

<sup>19</sup> The *Bi'ur Halacha* below [by "which uses are included as being *assur*" in 673:1] discusses being lenient on this point for a *Mitzvah* use, but ends by saying that even then, the best thing would be to put out the candle and then to re-light it.

<sup>20</sup> This seems difficult: The *Mishnah Berurah* wrote [as mentioned] that for someone lighting a bit late - the relevant "amount of oil" is defined as "enough for until no foot remains". So if it's not crucial for the candles to *burn* for the entire period, then why is the full amount of oil so "crucial" for someone who *does* light on time?

<sup>21</sup> The Gemara in *Chulin* (60b) has a saying: "A candle at noon - what does it help?", and the Tur is applying it to Chanukah candles in the daytime (as do Tosafos in *Menachos* {20b}, and the *Bi'ur Halacha* to *se'if* 1). However, this is surprising, because Chanukah candles are *never* lit to *use* their light; in fact, it would have seemed that the daytime should be even better, to *show* this! Perhaps the idea of the Tur and the *Bi'ur Halacha* is that the Mitzvah requires that the candles "look like" beneficial candles (and the saying is only "borrowed"). Alternatively, there's an implication in "*Tractate Sofrim*" [see 676:4] (20:4) [quoted by the *Magen Avraham*<sup>o</sup> here] that one *does* derive pleasure from them [i.e. from the light *itself*].

<sup>22</sup> The Mahari<sup>l</sup>'s words are translated here very loosely.

<sup>23</sup> Concerning "Counting the *omer*" (and the need for the counting to be "complete"), see "Principles".

<sup>24</sup> This is a statement of the Gemara (*Shabbos* 23a), said while discussing the *brachos* [and brought below (676:1)].

means is that there's no way to **make up** the lighting of the **missed night**<sup>25</sup> (as opposed to the *Shemoneh Esray*, which sometimes **can** be made up<sup>26</sup>).

The *Darkei Moshe* says that "R' Menachem Mirzburg" holds that on the next night, when he does light, he only lights the number of candles he was supposed to have lit on the previous night which he missed. For example, if he missed the third night, then on the fourth night he would light three, since for him it's the third night. But the *Darkei Moshe* says that he himself sides with the Maharil and others, who hold that one always lights whatever everyone else is lighting that night.

So the complete ruling of the *Shulchan Aruch* (with the *Rema*) for *se'if 2* is: **[If someone did not light as the sun comes down (by mistake or on purpose) - he continues [to have the Mitzvah] to light until "no foot remains" in the marketplace, which is about a half hour - for then the multitude is [still] passing to and fro and there is a publicizing of the miracle; As a result, one must put [an amount of] oil in it [which is enough] for that measure [of time]; and if he put more [oil] in it [than that] - [then] he can put it out after this time [period] has passed; and similarly, one can make use of its light after this time.** Here the *Rema* inserts: **Some hold that nowadays, when we light indoors, it is not necessary to be careful to light before "no foot remains" in the marketplace; and nevertheless it's better to be careful nowadays as well.** Here the *Shulchan Aruch* picks up: **However, this is [only required] "initially", but if this time [period] passed and someone [still] did not light [yet] - he continues to [have the Mitzvah to] light throughout the night; and if the entire night passed and he did not light - there is no [way of] compensation for this.** Here the *Rema* concludes: **And on the other nights, he will light like [any] other people, even though he didn't light beforehand.**

#### DOING "THINGS THAT COULD DRAG OUT" BEFORE LIGHTING

The *Darkei Moshe* brings that "it's best" to light before eating. But the ruling in the *Mishnah Berurah* is much more stringent:

- (1) It's *assur* to eat first (as well as [getting involved in] "other things" [that could drag out {explained soon}]),
- (2) Furthermore, the above is *assur* even *the half hour before* the "time for lighting" begins<sup>27</sup> (*Sha'ar HaTziyun*),
- (3) In addition, it's even *assur* to study Torah once the "time for lighting" begins<sup>28</sup>,
- (4) Finally, even if one already started these things - he has to stop them<sup>29</sup>.

<sup>25</sup> The *Gra* says that this Halacha can be derived by comparison to the Mishnah in *Sukkah* (27a): "R' Eliezer said that if someone did not eat on the first night of Sukkos - [then] he should make it up on the last night of Sukkos, but the [other] Sages said that this matter cannot be made up." [The comparison seems very unclear.]

<sup>26</sup> This is discussed in the Halachos of the *Shemoneh Esray* (O.C. 108). The Maharil also mentions "making up" the *Sh'ma*, which is discussed elsewhere (O.C. 58:7).

<sup>27</sup> The *Sha'ar HaTziyun* points out that this is irrelevant for someone whose *minhag* is to light after the stars comes out, since for him, the half hour before the lighting time is also the half hour before the time for the *Sh'ma*, when all these things are *assur* anyway.

<sup>28</sup> However, in the half hour beforehand, one should not be stringent with this (*Sha'ar HaTziyun*).



When the *Mishnah Berurah* mentions "other things" (that could drag out), he seems to be referring to the concerns listed above by the Halachos of *Mincha* (O.C. 232:2 [based on *Shabbos* 9b-10a]). The *Mishnah Berurah* there (n9) says that the rule is as follows: Any activity (even of calculation) which could take longer than expected or cause [significant] distraction is *assur* to begin in the half hour before the Mitzvah's time begins [although there's room to be lenient in difficult circumstances if it's an activity that people commonly "stop in the middle of and then get back to" (*Bi'ur Halacha* there)]. He concludes there (in the name of the *Chayei Adam*) that this includes engaging in business dealings. (R. Moshe Feinstein<sup>29</sup> [*Igros Moshe* O.C. 4:105] even proposes that the reason the Sages instituted that the candle-lighting be done relatively early is *because* this way "everyone will abandon his work and go home to fulfill the Mitzvah".) And as for eating, in O.C. *siman* 232 we learn that this is only referring to more than an egg-volume of bread-like foods (or alcoholic drinks), at least when it comes to the "half hour beforehand".<sup>30</sup>

In addition, *we can ask*: (1) The *Mishnah Berurah* by the Halachos of *Ma'ariv* (235 n17) brings that sleep is also *assur*, although this is not mentioned by *Mincha*. Should that apply here? (2) What if someone is not planning to do the actual lighting anyway (i.e. someone else in the household will)? Should it then be *muttar* for him to do all these things? (And conversely, what if someone already lit for himself, but is planning to be the one to light on someone else's behalf later on?)

### The development of: **Se'if 1**

#### THE "BEGINNING OF THE TIME OF THE MITZVAH" IS SUNDOWN

The Rashba<sup>31</sup> discusses what our Baraisa [see above at the beginning of the *siman*] means by that language:

*It makes sense to say: That this "beginning time" is not crucial; i.e., one could also light just before sundown if he wanted to. After all, that still publicizes the miracle.*<sup>31</sup>

*We find similarly (below 23b): [The Gemara brings the statement that] "the pillar of fire overlapped [in time] with the pillar of cloud"<sup>32</sup>, and the Gemara used this to illustrate that by the Shabbos "candle"<sup>33</sup> as well, when one lights just before sundown - it's recognizable that he's lighting it for the sake of Shabbos. Here, too, the same is true [i.e. that "just before sundown" is also appropriate].*

*So the Baraisa here merely means: That the "main Mitzvah" which obligates him to light is only from sundown.*

<sup>29</sup> Since according to alternate explanation #1 there's only a half hour to light; and the rule is that by a Mitzvah that has very limited available time, one has to stop in the middle of these concerns, even if the Mitzvah is merely Rabbinical. [The *Mishnah Berurah* deals with the rules of this Halacha mainly above (by O.C. 70:5). **A difficulty:** In *siman* 235, he says that the above rule only applies by a Mitzvah whose time is almost over, but a Mitzvah which *inherently* has very limited time is different, because people are *less* likely to be negligent about that.]

<sup>30</sup> Regarding *after* the "time itself" begins, the *Mishnah Berurah* by the Halachos of Pesach (431 n6) writes that even non-bread foods should be avoided.

<sup>31</sup> source's wording: "there [still] is a publicizing of the miracle [in that]".

<sup>32</sup> I.e. when the Jews left Egypt, the "fire by night" appeared before nightfall, while the "cloud by day" was still around.

<sup>33</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

**A proof to my point:** [When do we light] the Chanukah candle of Friday evening? [Obviously, before sundown!]<sup>34</sup>

**And the Behag° holds**<sup>35</sup>: That it really *does* mean that one can light only starting from sundown.

The *Beis Yosef* quotes the *Ran*'s version of this discussion. Then he quotes the Rambam (Chanukah 4:5): "One does not light Chanukah 'candles' before sundown, but rather as it comes down, [and] one may not 'postpone' [i.e. light later] and one may not 'advance' [i.e. light earlier]." The *Beis Yosef* says that this is like the Behag.

However, there's an exception. The *Beis Yosef* quotes R. Yitzchak Abouhav° [in the name of the *Orchos Chayim*]:

**If someone lit while it was still day** (i.e. by a week-night) because he was occupied [i.e. he would not have been able to light later (Mishnah Berurah)] - he was *yotzei*, as long as it was in the last "half of the mincha".

**The proof:** It's certainly not more stringent than *havdalah* - about which we say (Brachos 27b) "R' YOSHIAH prayed the Shemoneh Esray of the departure of Shabbos [which includes *havdalah*] during the afternoon of Shabbos"<sup>36</sup>.

**However:** He has to put in more oil than the [standard] amount for lighting - so that it will burn until "no foot remains" [i.e. a half hour after "sundown"].

We now have a *second* position permitting lighting early, but with certain limitations. To clarify, it seems that both leniencies can be compared to the Friday afternoon lighting; and the only difference between the two is that the Rashba proves from Friday that the very "beginning time" *itself* is "not crucial", whereas R. Yitzchak Abouhav would say that Friday is merely in the category of "someone who would not be able to light later."

The *Shulchan Aruch* rules like the Rambam, and mentions R. Yitzchak Abouhav: **One does not light Chanukah "candles" before sundown, but rather with "the end of its setting"** [see the next subject] - **one may not "postpone" [it] and one may not "advance" [it]; [On the other hand,] "there is someone who holds"**<sup>37</sup> **that if one is occupied, he can light from "plag haMincha"** [explained soon] **and onward, but he has to put in [enough] oil [to last] until "no foot remains" in the marketplace.**

The *Mishnah Berurah* clarifies a number of points:

(1) In the *Sha'ar HaTziyun*, he brings from the Chida° that the leniency of "someone who holds" [i.e. R. Yitzchak Abouhav] is accepted as the Halacha.

(2) With that in mind, he explains in the *Mishnah Berurah* that someone who has to light before sundown (but after "*plag haMincha*") can say the *bracha*.

<sup>34</sup> This Halacha is mainly dealt with below (*siman* 679), where we see that one even says the *bracha*.

<sup>35</sup> The Rashba here calls him "the author of the *Halachos*". The *Ran*° (when quoting this discussion) says explicitly that it's the Behag.

<sup>36</sup> This Halacha itself is discussed above in the *Halachos of Shabbos* (O.C. 293:3).

<sup>37</sup> *Shulchan Aruch* language for a reliable but uncorroborated source. [Actually, I saw a responsum that quoted the commentary of the Chida° to *Tractate Sofrim* (20:4), saying that although the above is *usually* the meaning of this language, *here* it seems more like a *disagreement*.]

(3) As for the meaning of "*plag haMincha*", of course it's the starting point of the "last half of the *Mincha*" which R. Yitzchak Abouhav mentioned. The *Mishnah Berurah* explains that it's measured by counting one and a quarter "relative hours" [i.e. one relative hour = one-twelfth of the daylight hours] before the time "when the stars come out"<sup>38</sup>.

(4) In the *Sha'ar HaTziyun*, he explains that if someone lit even *before* "*plag haMincha*", then he has to put out the candle and re-light it.

(5) As for needing enough oil to last until late, he explains in the *Mishnah Berurah* that it's because the *publicizing of the miracle* comes from the candles' being lit at *night*.

(6) He adds that if someone lit with only the regular "half hour's worth", then he has to re-do the lighting, but without a *bracha*.

(7) In the *Bi'ur Halacha*, he explains why one says no *bracha* in the above case: "Because out of [the] difficulty [of this case] we [are willing to] say that the Mitzvah actually started from '*plag haMincha*' and onward."

The *Bi'ur Halacha* says that actually, the Rambam cannot hold exactly the same position as the Behag. For the Rashba says that the Behag holds that the Halacha is like Rav Yosef (in *Shabbos* 34b) that "*bein haShmashos*" [the intermediate twilight period - see "Principles"] only *starts* some time *after* what the Sages call "sundown", and that's how he'll respond to the Rashba's proof from the Friday afternoon lighting (because lighting candles will only be *assur* because of *Shabbos* *after* "*bein haShmashos*" starts, but the time for Chanukah candles will have already begun at "sundown" which is *before* then). But the Rambam (the *Bi'ur Halacha* continues) holds that the Halacha is like Rabbah (who disagrees with Rav Yosef in *Shabbos* *ibid.*) that "*bein haShmashos*" starts at "sundown" itself<sup>39</sup>, so how can *he* explain the Chanukah lighting on Friday?

The *Bi'ur Halacha* says this proves that the Rambam's phrase, "as [the sun] comes down", includes a short time *before* sundown itself (like the phrase "as it gets dark" [*Shabbos* 34a] which the Gemara explains to mean a short time *before* dark).<sup>40</sup>

The *Bi'ur Halacha* also brings the *Maggid Mishneh*<sup>o</sup>, who says that the Rambam's source for saying one cannot light early is the Gemara's statement (*Shabbos* 23b): "but one may neither 'advance' [the lighting] nor 'postpone' [it]"; i.e. the Rambam understands that to refer to Chanukah. The problem is: Since most authorities<sup>41</sup> (including the

<sup>38</sup> See "Principles" for the meaning of "when the stars come out". And since the *Mishnah Berurah* here said that "*plag haMincha*" is calculated from then, it seems that the "relative hours" here should also be calculated using "when the stars come out" [and "the first ray of dawn" in the morning], as opposed to using (the "beginning" of) *sundown* [and sunrise in the morning]. However, it could be that *here* the *Mishnah Berurah* chose *only* the method of counting "*plag haMincha*" from "when the stars come out" [as opposed to above (O.C. 233 n4) and other places where he takes into account the position of counting from (the "beginning" of) *sundown*] for a *separate* reason: Since everyone agrees that the *main time of the Mitzvah* of Chanukah candles is at night, no one can really permit lighting them when it's totally light [as the Tosafos in *Menachos* (20b) points out, and as the *Bi'ur Halacha* brought above also suggests]; rather, everyone has to hold either (1) that the leniency to light early is for a *brief* period of time before sundown (as the Rashba implied), or (2) if we are to allow for a full "hour and a quarter" - then it has to be counted from "when the stars come out". [So if this is the *Mishnah Berurah*'s reasoning, it might have no bearing on how to calculate the "relative hours".]

<sup>39</sup> These issues are mainly discussed in the Halachos of *Shabbos* (O.C. 261).

<sup>40</sup> It seems that one could also answer that the Rambam understands Friday like R. Yitzchak Abouhav; i.e. that it's an *exception* to the rules (because of lack of a choice), and is not to be taken as a prototype.

<sup>41</sup> The *Bi'ur Halacha* refers to the commentaries of Rashi, *Rabbeinu Chananel*<sup>o</sup>, Tosafos, the Rosh<sup>o</sup>, and *Rabbeinu Yonah*<sup>o</sup>, as well as to the *Mordechai* in *Brachos*, and the *Tur* & *Shulchan Aruch* in the Halachos of *Shabbos* (O.C. 263:4).

*Shulchan Aruch*) hold that the Gemara is talking about *Shabbos* candles, how can the *Shulchan Aruch* codify this Halacha with respect to Chanukah as well, without a source?

The *Bi'ur Halacha* admits that it's possible to conceive of a position that considers it *inherently* logical that Chanukah candles cannot be lit early, because then it's just a "candle at noon"<sup>42</sup> - so it's not recognizable why he's lighting. However, he points out, that can only be said about lighting while it's still totally light outside; so he concludes that the *Shulchan Aruch* who ruled that "from sundown" starts with "the end of sunset" [as explained in the next subject] - and still also ruled that one cannot light beforehand - needs further examination.

The *Bi'ur Halacha* summarizes his conclusions as follows: If someone's *minhag* is to light at the sun's disappearance from our view, then he may not light more than about ten minutes earlier [like the Rambam]. Conversely, if someone's *minhag* is to light "when the stars come out", then he certainly *can* light earlier [i.e. even "initially"] - by up to almost a half hour.

Finally, the *Bi'ur Halacha* writes that no matter how early one lit, he must use enough oil to last until a half hour after the "when the stars come out", and it's *assur* to use the light for that entire time span<sup>43</sup>.

#### WHAT DOES "FROM SUNDOWN" MEAN (IN THIS CONTEXT)

The Tur<sup>o</sup> says that time begins with "the end of sunset", and the *Shulchan Aruch* "inserts" this when he quotes the Rambam [as quoted above]. What is that all about? So the *Beis Yosef* refers to the position of *Rabbeinu Tam*<sup>o</sup>, that there are two stages to the setting of the sun<sup>44</sup>; and accordingly, the *Beis Yosef* explains that the Tur is interpreting our Baraisa as referring to the second stage. (He says that the Tur deduced that from the fact that according to *Rabbeinu Tam*, "the beginning of sunset" [i.e. the first stage] is considered totally daytime<sup>45</sup>.) However, this doesn't tell us whether to start from the *end* of the second stage (i.e. "when the stars come out") or from the *beginning* (about fifteen minutes earlier).

The *Gra* says that it makes sense to interpret the Tur as meaning like his father the Rosh<sup>o</sup> writes (*Ta'anis* 1:12): "Sundown [here] means 'the end of sunset', and that's the time 'when the stars come out.'" The *Mishnah Berurah* implies that this is the *Shulchan Aruch's* position as well [presumably because the *Shulchan Aruch's* "insertion" is taken from the Tur]. However, the *Gra* says the Rashba holds that the Baraisa means the *beginning* of the second stage. (He then brings the *Mordechai*<sup>o</sup>'s proof to that: Just as the Gemara (*Bava Metzi'ah* 88b) says that the phrase "from when their flower falls" means "when their flower *begins* to fall", so here too, the language "from" sundown must start at sundown's *beginning*.) Then, the *Gra* refers to "what I explained at length above (O.C.

<sup>42</sup> See the footnote to the subject of "After the entire night has passed", in *se'if* 1.

<sup>43</sup> This seems difficult: Isn't the middle part of that time span "not part of the Mitzvah" according to *all* positions? [This question is based on the various positions regarding the meaning of "sundown" (in the next subject), which are in turn based on the relevant positions regarding when "*bein haShmashos*" is (refer again to "Principles").]

<sup>44</sup> This position is quoted in Tosafos (*Shabbos* 35a), answering thereby a contradiction between *Shabbos* (ibid.) and *Pesachim* (94a). This is mainly dealt with in the Halachos of *Shabbos* (O.C. 261:1-2).

<sup>45</sup> [As opposed to the second stage, which according to *Rabbeinu Tam* is "Bein HaShmashos" (see "Principles").]

261:2)." Presumably, he is referring to the fact that he himself disagrees with the position that there are two stages in the first place. Consequently, it comes out that the *Gra's own* position is that the lighting time begins at the sun's disappearance from our view<sup>46</sup>.

The *Mishnah Berurah* brings only the Tur [who said to light "when the stars come out"] and the Rashba [who hold that one lights at "the beginning of the second sunset"], and not the *Gra* [who holds that one lights at "the sun's disappearance"]. Then he writes how to decide: If someone's *minhag* is to wait until "when the stars come out" for *Ma'ariv*, then it's proper for him to light beforehand (with a lot of oil, as above). [The implication is obviously that for someone who prays earlier, it's proper to light "when the stars come out".] And if the time "when the stars come out" passes - and one still has not lit *and* has not prayed, then the *Mishnah Berurah* brings from the *Sha'arei Teshuvah*<sup>o</sup> that *Ma'ariv* comes first (since it's "*tadir*" ["The more 'frequent' Mitzvah" - see "Principles"]) and it also contains the *Sh'ma* which is Torah-mandated). [We can ask: What if someone has a "late *Ma'ariv*" regularly? If he didn't light before "when the stars come out", does he then wait for lighting until after his regular *Ma'ariv*?<sup>47</sup>] The *Mishnah Berurah* ends by writing that if people plan to have that last practice *regularly*, it's proper for them to at least prepare their candles in advance - so that they will be able to light right away after *Ma'ariv* (since they only have a total of a half hour - at least according to the Halacha of "the old days"<sup>48</sup> [see *se'if* 2]).

Rav Shmuel Vosner<sup>o</sup> (*Shevet HaLevi* 4:66) on someone who won't be home to light "on time" himself:

Sometimes, such a person will have the option of lighting "early" (i.e. from "*plag haMincha*" on). However, that option is really the most questionable [as is evident above<sup>49</sup>]; and therefore, lighting "late" [i.e. as late as he'll still be able to light with a *bracha* (as discussed in *se'if* 1)] is definitely better than *that*. The question is: What if he also has the option of having a representative [ "*shaliach*" ] light on his behalf "on time"? That too would certainly be better than lighting "early", since one can definitely *yotzei* through the lighting of a representative [as mentioned below (in 677:1, by "guests"). But maybe it would be better to light "late", because "Mitzvahs are best done by oneself and not a representative" [see "Principles"].

Well, as far as the obvious advantage of lighting "on time" - that it's better not to delay a Mitzvah - I'm certain that doing the Mitzvah "by oneself" is more important than *that*. However, there's an additional advantage to lighting "on time" - i.e. it's the *more correct* form of the Mitzvah itself - and it could be that this outweighs even doing the Mitzvah "by oneself".

[This analysis seems to be ignoring two points: (1) If someone's lighting location is indoors (i.e. as discussed above 671:5), then lighting "on time" may not be "the more correct form of the Mitzvah" for him (as discussed in this *siman*, *se'if* 1). (2) Lighting through a representative could be undesirable if the person being represented will therefore not hear the *brachos* (see the discussion of R. Moshe Feinstein<sup>o</sup>, below 676:3).]

<sup>46</sup> The *Bi'ur Halacha* mentions that this is also *his own* understanding of the *Rambam's* position.

<sup>47</sup> A possible case to compare this to: counting the *omer* (O.C. 489:1).

<sup>48</sup> source's wording: "the main time [period] for the lighting, which is a half hour, according to the Halacha of the Gemara."

<sup>49</sup> R. Shmuel Vosner himself explains its being "questionable" as follows: The *Mishnah Berurah* only accepts this leniency on the authority of the Chida [as mentioned above]. But the Chida himself, in a work he wrote *later* than the one referred to by the *Mishnah Berurah*, reverses his position and holds one *cannot* rely on the leniency to light early with a *bracha*.

## SOMEONE WHO LIT "TOO FEW CANDLES" AND WANTS TO FIX THAT

The *Beis Yosef* writes in the name of the *Orchos Chayim*<sup>o</sup>:

***In the city of Lunil, it happened:*** That someone lit too few "candles" (i.e. two "candles" on the third night, or three on the fourth night).

***The ruling about this was:*** That he had to light the missing "candles" now. But he didn't need to say the *bracha* again, because the *bracha* that he made **at the start** was for all the "candles" he was **supposed to light**<sup>50</sup>.

The *Mishnah Berurah* brings this, and concludes by adding: "See the *Pri Megadim*<sup>o</sup>, who favors [ruling] that even if *at the start* he only had in mind [to light] one candle [i.e. because that's all he had], and afterwards he 'happened to' get access to another candle<sup>51</sup>, [so] *then as well* he should not say the *bracha* again [i.e. *contrary* to the implication of the *Orchos Chayim*], because according to the [basic] Halacha there's no obligation for any more than one candle, and the rest are for the purpose of 'enhancement' [see above 671:2]."<sup>52</sup> (The *Mishnah Berurah* below [by 676:1] brings that if a person *completely* "forgot the *bracha*" until after lighting the first candles, then he *does* say the *bracha* upon lighting the rest.)

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<sup>50</sup> source's wording: "he made [the *bracha*] over the obligation of all the candles."

<sup>51</sup> source's wording: "another candle 'came about' to him" ["*nizdamnah lo*"].

<sup>52</sup> See also the analysis of this point by R. Moshe Feinstein<sup>o</sup>, brought below (676:3).

**O.C. *siman* 673 : Oils and Wicks that are Valid for Chanukah****The development of: *Se'if* 1**

The "first half" of the Shulchan Aruch's ruling for *se'if* 1 follows the development of four subjects:

## TO MAKE USE OF THE LIGHT OF A CHANUKAH CANDLE

The Gemara (*Shabbos* 21a<sup>3</sup>):

*[When it comes to Shabbos "candles"<sup>1</sup>, the Mishnah (Shabbos 2:1-3) and the Gemara (ibid. 21a) discuss a number of kinds of wicks and oils which one may not light with, because they don't burn well<sup>2</sup>, and someone might adjust the candles on Shabbos in order to improve the flame. (In the Shulchan Aruch this is mainly dealt with in the Halachos of Shabbos, O.C. 264).]*

**Rav Huna said:** *One may not light with these wicks and oils for Chanukah "candles" either, whether on Shabbos or on a weekday.*

**Rava explained:** *What is the reasoning of Rav Huna? [It actually results from two separate rulings of his about the Chanukah "candle".] (1) He holds that if one's Chanukah "candle" went out - one is responsible to "fix" it [and therefore one must do it properly to begin with - in case later on he may be negligent (Rashi)]; (2) He holds that it's muttar to make use of the light of one's Chanukah "candle" [and therefore on Shabbos these wicks and oils are assur, because maybe he would adjust the "candle" for the sake of making such use (Rashi)].*

**Rav Chisda disagreed:** *One may light with them on the weeknights of Chanukah, but not on Shabbos. [Working with Rava's approach, the Gemara explains:] He holds that if a Chanukah "candle" went out [21b] - one is not responsible for it [which makes it valid for weeknights]; and [he agrees] that it's muttar to make use of its light [which makes it assur for Shabbos].*

**And Rav disagreed with both<sup>3</sup>:** *One may light with these wicks and oils for Chanukah "candles", whether on Shabbos or on a weekday.*

**R' Yirmiyah explained:** *What is the reasoning of Rav? He holds that if a Chanukah "candle" went out - one is not responsible for it [like Rav Chisda], but that it's assur to make use of its light [so even when it comes to Shabbos - there's no reason to be concerned about him adjusting it].*

The Rashba<sup>o</sup> points out that the Rif<sup>o</sup> only brings Rav (thus ruling that it's *assur* to use the light), and that the *Ba'al HaMaor*<sup>o</sup> disagrees. The *Beis Yosef* points out that the consensus of the authorities is like the Rif. [The Rashba

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>2</sup> See the wording of the Rambam, which is the wording of the *Shulchan Aruch* [quoted soon, with the rest of this *se'if*].

<sup>3</sup> source's wording: "R' Zeira said in the name of Rav Masnah (and some say [that] R' Zeira said [it] in the name of Rav)." The rest of this Gemara refers to this as the position of Rav (and the authorities do likewise).

mentions two reasons to rule like Rav<sup>4</sup>: (1) The Gemara continues by saying that R' Yochanan said like Rav, and that Abbaye eventually accepted this; (2) Rava also holds that it's *assur*<sup>5</sup>.]

The *Mishnah Berurah* writes that even the candles that are added each night as an "enhancement" [as explained above 671:2] are *assur*.

The *Shulchan Aruch* writes [as did the Rambam] that it's *assur* to make use of the candles "whether on Shabbos or on a weekday" [as quoted soon]. What's the significance of that addition? The *Mishnah Berurah* says it's to indicate that even a "Mitzvah use" is *assur* [as we see in the next subject], such as to eat a Shabbos meal by their light<sup>6</sup>.

#### WHAT KIND OF "MAKING USE" IS ASSUR

To examine this subject, we need to see a second Gemara (*Shabbos* 22a<sup>1</sup>):

**Rav Yehudah reported:** Rav Assi said,<sup>7</sup> "It's *assur* to hold money out toward the Chanukah 'candle'." [I.e. it's *assur* to inspect or count coins by their light (Rambam).] [However,] when I reported that to Shmuel, he rejected it by saying, "And does a 'candle' then have sanctity?"

**Rav Yosef challenged [Shmuel's position]:** It was taught in a Baraisa: It is written [about the Mitzvah to cover an animal's blood after slaughtering] "And he shall spill [the animal's blood]", and right afterwards "and he shall cover it"; this teaches that one has to cover the blood with that same limb with which he spilled it [i.e. his hand (Rashi)], meaning that he cannot cover it with his foot, for the Mitzvahs shall not be disgraceful to him. Now according to Shmuel, [wouldn't we have to reject that too and say:] "Does blood then have sanctity?" So [why not say] here too [that this is why it's *assur* in the case of the "candles"]: for the Mitzvahs shall not be disgraceful to him!

**So in conclusion, Rav Yosef said:** The "father" of all of these things being *assur* [i.e. the "source case" from which we derive all other cases] is [the above Halacha about] blood.

Here too, the Rif only brings the words of Rav Assi<sup>8</sup> (thus ruling stringently again). The question then is: What is the relationship between the statement that it's *assur* "to make use" of the candles, and the statement that it's *assur* "to hold money out" toward them? Let's see how the authorities address this:

The Tur<sup>o</sup> brings the *Ba'al Hattur*<sup>o</sup>, who says that only a mundane use is *assur*, but not a holy use. (The *Beis Yosef* brings that the *Shibolei HaLekket*<sup>o</sup> says likewise; and his example of a "holy use" is to read from Torah

<sup>4</sup> The Rashba also says a third reason, which is based on how he explains the relationship between our Gemara and the Gemara about using the candles to look at money [see the next subject].

<sup>5</sup> The Gemara does not quote Rava as saying so explicitly, but the Rashba proves that this is his position, in two ways: (a) From Rava's statement about needing an extra candle [discussed above 671:5], we see that the Chanukah candles themselves are *assur* to use; (b) From Rava's statement that the need for a Shabbos candle "outweighs" the need for a Chanukah candle [discussed below 678:1], we see that it's impossible for one candle to be both (which must be because the Shabbos candle's whole *purpose* is to be used, and the Chanukah candle *cannot* be used).

<sup>6</sup> Another explanation could have been that the phrase is meant to emphasize that Chanukah candles are *assur even* on a weekday (in contrast to the fact that on *Shabbos* it's *assur* in *general* to do many things by the light of oil candles [as discussed in the Halachos of Shabbos (O.C. 275)].

<sup>7</sup> This is the version in the Rosh<sup>o</sup>. Other versions attribute this position to Rav.

<sup>8</sup> Our text in the Rif attributes it to Rav, as mentioned.



writings; and he gives the reason: "because this way it's an *honor*, not a disgrace.") The *Gra* writes that the approach here is to interpret the statement about "holding money out" as *clarifying* what kind of "use" is *assur* (i.e. only a mundane one).<sup>9</sup>

However, against that, the Tur and *Beis Yosef* bring the position of the Rosh<sup>o</sup> [who addresses our question *directly*]:

***Even though it was already ruled above that it's assur to make use of the light of the "candle" for any use, [still] we need the statement of "holding money out". After all, when we said above that it's assur to make use of its light, that was only said about a "fixed" use [i.e. a focused and purposeful one], where someone who sees it would say [i.e. think]: "[It seems that] it's for the sake of this use that he lit it, and not for the sake of a Mitzvah"! But as for a "momentary" use, [obviously] for that he didn't light it! So now, Rav Assi informs us that even a "momentary" use that's disgraceful is assur; because since his hands are next to the candle in order to examine the coins well - therefore it's assur. This is also implied by his wording, as he said that it's assur to hold out money "toward the Chanukah 'candle'," and not "by its light".***

The *Beis Yosef* also brings the *Ran*<sup>o</sup>, who writes similarly, that the statement about "holding money out" does not *limit* in which way it's *assur* "to make use": "For since they instituted it [i.e. the Chanukah 'candle'] through a miracle that was performed with the Menorah - [therefore] they made it [have a Halacha of being] like the Menorah, which one may not make use of at all." (The *Mishnah Berurah* brings both this reason, and the reason of making the Mitzvah "recognizable" like the Rosh [and Rashi].) Rather (continues the *Ran*), the statement about "holding money out" is coming to tell us that even such an "insignificant" use is *assur*<sup>10</sup>. Accordingly, the *Shulchan Aruch* refers to the *Ba'al HaIttur*'s position merely as "someone who holds that it's *muttar*", etc. [as quoted soon].

The *Beis Yosef* writes that the Rosh implied "that by a 'momentary' use which is *not* disgraceful - which means [one] that does not need for his hands to be next to the candle - [that would be] *muttar*, and I don't know why the Tur<sup>11</sup> and *Rabbeinu Yerucham*<sup>o</sup> did not write that<sup>12</sup>." The *Bi'ur Halacha* mentions that the Maharshal<sup>o</sup> ruled like that distinction; but the *Shulchan Aruch* does not mention it, and that's how the *Mishnah Berurah* rules as well (explicitly).

(However, the *Mishnah Berurah* does say that a *totally* insignificant use is *muttar*, such as to continue sitting in the same room where the candles burn [i.e. even if there's no "*shamash*" {*Sha'ar HaTziyun*}]. In addition, in the *Sha'ar HaTziyun* he brings the *Pri Chadash*<sup>o</sup>, who includes even *walking* by the light [using it to prevent tripping] in this category.)

The Rashba proves that even a "Mitzvah use" (such as to eat a Shabbos meal by the candles' light) must be *assur*, from the statement that the need for a Shabbos candle "outweighs" the need for a Chanukah candle [see below 678:1] (because we see from there that it's impossible for one candle to be both - which must be because the Shabbos candle's whole purpose is to be used for the meal [whereas the Chanukah candle *cannot* be used *even* for a such a Mitzvah]). The

<sup>9</sup> The *Ran*<sup>o</sup> [who's mentioned soon] also seems to understand the *Ba'al HaIttur* this way.

<sup>10</sup> The *Ran* concludes by saying that this is also the position of the Rambam (and that there's a proof to it in the *Yerushalmi* [which I have not yet identified]), and that the *Ba'al HaMaor*<sup>o</sup> disagrees [i.e. ruling like the *Ba'al HaIttur*].

<sup>11</sup> source's wording: "and our teacher" ("*Rabbeinu*") [as the *Beis Yosef* always calls the Tur].

<sup>12</sup> *Rabbeinu Yerucham* was a student of the Rosh, and generally brings his positions.

*Gra* adds: If a Mitzvah use were *muttar*, then how could "the *assur* oils and wicks" be *muttar* on Shabbos Chanukah? Someone might adjust the candles for the sake of a *Mitzvah* use!

It should be noted that the Taz<sup>o</sup> (n3) emends the Rosh such that he says *any* "momentary" use is *assur*. And then (n4), he innovates that the position of the *Ba'al Halttur* (and the *Shibolei HaLekket*) is really that it's *muttar* to use the candles only for a "Mitzvah use" which is *also* "momentary". The *Gra* notes that this second point depends on the first, reasoning as follows: If the Taz would have accepted that even the *Rosh* holds that a "momentary" use is *muttar* [i.e. as long as it's not a disgrace - i.e. with his hands too close], then he couldn't have said that the *Ba'al Halttur's* whole leniency was *within* "momentary" uses, because the Tur says explicitly that the Rosh rejects the *Ba'al Halttur's* leniency. In practice, the *Bi'ur Halacha* leans toward being lenient when *both* reasons are present (i.e. to study Torah [a "Mitzvah use" as above] in a "momentary" way), and in the *Mishnah Berurah* he refers to this *Bi'ur Halacha*.

The *Bi'ur Halacha* also writes that even regarding Torah study in a "fixed" way, it's possible that one only needs to be stringent during the main time period of the Mitzvah (i.e. until "no foot remains in the marketplace" [as explained above 672:2]). But he ends by saying that even *after* this time, the best thing would be to put out the candle (if possible) and then to re-light it.

Finally, in the *Mishnah Berurah* he writes that the Chanukah candles of the synagogue are also *assur* even in "Mitzvah use", such as to pray *Ma'ariv* by their light (during the main time period<sup>13</sup>).

#### WHICH "OILS AND WICKS" ONE *SHOULD* USE FOR THE LIGHTING (ON A WEEKNIGHT)

Regarding those which it's *assur* to use for the Shabbos candles, the Halacha is like Rav that for Chanukah even *they* are valid [as was already discussed at the beginning of the *siman*]. However, the Gemara adds (*Shabbos* 23a<sup>1</sup>):

**R' Yehoshua ben Levi said:** *All oils are fitting for the "candle", but olive oil is the choicest.*

**Abbaye said:** *Originally, "the master" [i.e. Rabbah<sup>14</sup>] would try to use sesame oil, as he would explain: "It drags out the light more [i.e. it lasts longer (Rashi)]"; [but] once he heard this statement of R' Yehoshua ben Levi - [from then on] he tried to use olive oil, as he would explain: "Its light is clearer."*

It says in Tosafos that this Gemara is referring to Chanukah candles<sup>15</sup>, and the *Beis Yosef* brings likewise from the Rokeiach<sup>o</sup> (and the *Mordechai*<sup>o</sup>, regarding the practice of "the Maharam"), as does the *Darkei Moshe* from the Maharil<sup>o</sup> (and he also brings that this is the *Kol Bo*<sup>o</sup>'s conclusion).

<sup>13</sup> The fact that in this case the *Mishnah Berurah* seems to consider it more obvious (that it's *assur* for a Mitzvah only during the main time period) needs explanation. Perhaps (1) he's treating the candles of the synagogue more leniently [maybe because their being included in being *assur* at all is an "innovation" of the *Pri Megadim*], or (2) he doesn't consider "praying by the candles' light" to be such a "fixed" use [maybe because most people know what to say and only need to check occasionally (and for "*Al HaNissim*"), similar to the leniency in the Halachos of Shabbos (O.C. 275:9)].

<sup>14</sup> Abbaye always refers to Rabbah as "the master" ["*Mar*"], because he was Abbaye's teacher (Rashi to *Shabbos* 5b). [Rashi to *Bava Metzi'ah* 107a adds that Rabbah had raised him in his own home.]

<sup>15</sup> Whereas for the Shabbos candles (when we're concerned about adjusting), it's *obvious* that olive oil's advantage (that it burns best) makes it better than other oils [as is in fact codified in the Halachos of Shabbos (O.C. 264:6)].

On the other hand, the *Darkei Moshe* brings from the *Sefer HaMinhagim*<sup>o</sup> that wax candles are just as "choice" as olive oil, and he brings in the name of R. Avraham<sup>o</sup> (of Prague) that this is because their light is clearer than *all* oils. The *Darkei Moshe himself* adds that the *minhag* of "the world" is to use wax candles, and that this *minhag* was also mentioned by the *Kol Bo*.

But in the *Rema*, he doesn't favor wax candles quite so strongly, but instead seems to say that they compare with oils *other* than olive oil [as quoted soon]. (In fact, the *Sha'ar HaTziyun* says the Mahara<sup>o</sup> holds that one does not light with wax candles at all, for the miracle was performed with oil; but in the *Mishnah Berurah*, he only quotes the position that this reasoning makes it "a better Mitzvah" to use oil.<sup>16</sup>) [See also the discussion of wax candles above (671:2), and the additional discussion brought soon (within this *se'if*).]

The *Mishnah Berurah* then fills in a number of details:

(1) When lighting candles according to "which day it is" [as discussed above (671:2)], one should either light wax candles for all of them or oil for all of them (and not "mix"), but one does not have to avoid such "mixing" with respect to multiple candles pertaining to the members of the household.

(2) In the *Sha'ar HaTziyun*, he writes that there's no issue of "mixing" different oils (because there's no *recognizable* difference)<sup>17</sup>.

(3) The *Bi'ur Halacha* (in the previous *siman*) writes that one may not use wax left over from a house of idolatry.<sup>18</sup>

(4) The *Mishnah Berurah* here writes: "[As for] animal fat<sup>19</sup> which became *assur* by means of [the mixing of] meat with milk, it's *assur* to light the Chanukah 'candle' with it; and it's also *assur* to make it "*batel*" ["nullified" - see the "getting mixed up" subject at the end of this *se'if*] in [a mixture] of sixty [times the amount] in order to light with it [*Pri Megadim*<sup>o</sup>]."

(5) He also says one may not use oil after a rodent was found in it, because it's revolting.<sup>20</sup>

(6) Finally, when it comes to the wicks, the "choicest" is to use cotton or strands of flax.

The *Mishnah Berurah* (to *se'if* 2) writes that the "choicest way to do the Mitzvah" is to buy the left-over wax that dripped from the synagogue candles, for "once one Mitzvah has been done with it - let another Mitzvah [also] be done with it" (*Shabbos* 117b).<sup>21</sup>

<sup>16</sup> When the *Kol Bo* concludes that wax candles are not as "choice" as olive oil, he explains: "for that's what the miracle was [done] with." However, presumably he too only means to favor *oil*, and not specifically *olive* oil; because if this was a reason to favor olive oil over others - then the Gemara itself should have said so (since it's already comparing the kinds of oil).

<sup>17</sup> Therefore (the *Sha'ar HaTziyun* says), the issue of "mixing types" doesn't contradict the position of the *Shevus Yaakov*<sup>o</sup>, that when olive oil is too expensive then one only need be choosy about the "main candle" being from olive oil. [See below 676:5 as to which is the "main" candle.]

<sup>18</sup> He refers to the *Mishnah Berurah* in the Halachos of the synagogue (*siman* 154 n45), which indeed says this, but there in the *Sha'ar HaTziyun* he refers to where it's explicit in the *Shulchan Aruch* (volume *Yoreh Dei'ah* 139:13). I don't know why the *Bi'ur Halacha* here doesn't refer directly to the *Shulchan Aruch*.

<sup>19</sup> source's wording: "*shuman* [i.e. *muttar* animal fat] or *cheilev* [i.e. the *assur* kind]."

<sup>20</sup> This is also the reason concerning wax from idolatry [*Mishnah Berurah* & *Shulchan Aruch* *ibid.* (cited in the above footnote)].

<sup>21</sup> It's not clear whether he means that this is even preferable to oil (or rather that it's merely "the choicest" when using wax anyway).

As for stolen oil<sup>22</sup>, the *Mishnah Berurah* writes that it's doubtful (which seems to mean that one cannot light with it with a *bracha*<sup>23</sup>). *We can ask*: Why doesn't he say that *any* oil is invalid if the one to be *yotzei* doesn't actually own it? After all, the *Ran*<sup>o</sup> says [as quoted below (676:1) by "the correct wording of the *brachos*"] that "one can only be *yotzei* [this Mitzvah] through that which is one's own"!

Rav Yaakov Chaim Sofer<sup>o</sup> [*Kaf HaChayim* 673 n11] regarding the oil being "revolting":

Really, *anything* which is "too revolting to eat"<sup>24</sup> may not be used for a Mitzvah, in keeping with "Offer it to *your* officials!" [*Malachi* 1:8, as applied in *Sukkah* 50a, *Bava Basra* 97b, and more]. However, if the oil is merely too *bitter* to eat, that alone is not a problem<sup>25</sup> [since in practice its Mitzvah use does not involve eating it].

Now that the *Mishnah Berurah* brought that it's *assur* to use a "meat and milk mixture", *we can ask*: What about other ways that the oil could be *assur*?<sup>26</sup> Isn't there a principle that a "Mitzvah object" has to be as "*muttar* to your mouth" as possible?<sup>27</sup> How much effort to ensure that the oil is "*muttar*" [at least with respect to "deriving benefit"] should be appropriate?

Rav Ovadiah Yosef<sup>o</sup> [*Yabia Omer* 3:35] on "candles without oil or wicks" - such as electric lights:

The later authorities have pointed out many reasons for electric lights to be invalid for Chanukah lighting (some of which apply to other kinds of "candles" as well).

(1) Even though we don't rule like the Maharal that wax is invalid because the miracle was with "candles" of oil; nevertheless, it still makes sense that *some* substance "in place of" the oil is needed. If so, electric lights would be invalid, since there's no *tangible* fuel. (Gas flames also may have this problem.)

(2) Another possible defining characteristic of the Torah term "candle"<sup>28</sup> is the wick, which electric lights don't have either (since even a filament isn't "drawing" any fuel or "maintaining" any flame). Gas flames are also missing this, and so is a long thin glass tube of independently-burning oil (and possibly a long thin slow-burning stick, as well).

<sup>22</sup> Obviously, if someone stole oil, he has to return it, and it's *assur* for him to burn it. So the question here can be (1) if he lit with it anyway, does he have to light again; or (2) in some situations, by the time the question of lighting arises, the oil is already no longer considered the property of the original owner (i.e. the obligation to repay is in the form of "money", and there's no need to return the original oil itself).

<sup>23</sup> For one thing, "doubts about *brachos* call for being lenient" [see "Principles"]. Furthermore, we learn elsewhere (by O.C. 454:4 and 649:1) that to say a *bracha* over something which one got through theft is more serious than merely doing a Mitzvah act with it.

<sup>24</sup> The *Kaf HaChayim*'s own example is oil left under a bed, "for in such a case an evil spirit 'rests' upon it." [This issue, along with others like it, is mainly dealt with in *Shulchan Aruch* volume *Yoreh Dei'ah* (116:5).]

<sup>25</sup> In fact, the *Kaf HaChayim* adds that such oil can be used even after being left under a bed, "because the evil spirit won't rest on it once it's inedible."

<sup>26</sup> Oil that comes from the Land of Israel would be especially problematic, since there are more (and different) ways of it being *assur* [see by "oil that's to be burned" below, for example]. And if it has the "holiness of *Shemittah* [the Sabbatical year]", it could be *assur* to light it "not for consumption". [Most of these applications are beyond the scope of this project.]

<sup>27</sup> This is derived (*Shabbos* 28b) concerning *tefillin*, which must therefore be made using a *muttar* kind of animal. [Why this doesn't require that the animal be ritually slaughtered is explained elsewhere (*Shabbos* 108a).]

<sup>28</sup> R. Ovadiah Yosef says on these last two points (not quoting anyone) that we seem to see in the Gemara [of the beginning of the *siman*] that oils and wicks are considered intrinsic to the candles.

(3) Even if Chanukah candles don't have to be like the Menorah in *those* respects, it still might be necessary to have a comparable "act of lighting". For the Torah itself (*Bamidbar* 8:2) emphasizes the "raising up" a flame to light the Menorah, and with electric lighting that is not done.

(4) We learn below (675:2) that since "the lighting makes the Mitzvah", the required amount of oil must be already present and ready at the time of the lighting. Can the availability of an electric current fulfill that condition? (This is especially problematic when [a] the current is actually being generated as the "candles burn" {as opposed to a battery, for example}, and even more so if [b] the flow isn't truly constant - but rather stops constantly for tiny fractions of a second.)

(5) We learned above (671:4) that when the flames of the candles engulf a wider area than just their own wicks, they're "like a significant fire" and invalid for Chanukah. Electric lights can have this problem too (when [a] the filament is in the form of a circle {which is in the above category [as stated above *ibid.*]}, or if [b] the light is seen "coming out of the entire bulb" and not just from the filament [like with a frosted or fluorescent bulb, for example]).

So from all this we see that electric lights cannot be relied upon for the Chanukah Mitzvah. And if someone has no other choice, and he uses electric lights on the off chance that they really *are* valid, then he certainly may not say a *bracha*.

#### THE ISSUE OF CERTAIN OILS AND WICKS BEING *ASSUR* TO LIGHT WITH ON SHABBOS

As mentioned [at the beginning of the *siman*], the Halacha is like Rav that this issue does not apply to Chanukah candles (even on Shabbos Chanukah), because there's no concern that someone will adjust them, since it's *assur* to make use of them. However, the *Beis Yosef* brings a responsum of the Rashba<sup>o</sup> (1:170), who points out that after the candles burn for the main time period (i.e. until "no foot remains in the marketplace"), it becomes *muttar* to make use of the light [as discussed above 672:2]; and the Rashba therefore concludes with the observation: "Who says that it's *muttar*<sup>29</sup> to use extra oil [i.e. more than the minimum amount (also discussed above 672:2)] when one is coming to light on Shabbos with *those* oils<sup>30</sup>?" Accordingly, the *Rema* rules that in fact it's *not* *Muttar* [as quoted soon]. (Parenthetically, the Rashba mentions that this matter is estimated, not measured exactly, just as the same is true of the Halacha of *siman* 672 itself [i.e. that the candles become *muttar* later on].) A final point: The *Mishnah Berurah* brings from the *Magen Avraham*<sup>o</sup> that it's *assur* to use these oils and wicks for the "*shamash*", since it's *muttar* to use its light [see the "second half" of this *se'if*].

***So now let's see the "first half" of this se'if.*** [The bulk of the "second half" of the *se'if*, which is about the "*shamash*", follows the development of the remaining subjects, except the very next subject (which still relates to the above material) and the last subject (which is a "small last section" of the *se'if*.) The *Shulchan Aruch* rules: **All oils and wicks are valid for the Chanukah "candle", even if the oils are not drawn [properly] after the wick, and [also even if] the flame is not "held" properly by those wicks.** The *Rema* inserts: **However, olive oil is the choicest [form] of the Mitzvah; and if there's no olive oil [around] - the ["next choicest"] Mitzvah is [then to light] with oils whose light is pure and clear, and the minhag in these areas is to light with a wax candle - for their light is as clear as [that of] oil.** The *Shulchan*

<sup>29</sup> source's wording: "that they permitted us".

<sup>30</sup> I.e. the ones it's *assur* to light with on Shabbos.

*Aruch* continues: **[Furthermore,] even by the night of the Shabbos which is during the days of Chanukah, it's [still] *muttar* to light - for the Chanukah "candle" - the oils and wicks with which it's *assur* to light the Shabbos "candle".** The *Rema* qualifies that: ***If he doesn't put into the candle [any more than] just enough to be the [minimum] amount for its Mitzvah.*** The *Shulchan Aruch* continues: **Because it's *assur* to make use of the Chanukah "candle", whether on Shabbos or on a weekday, and even to examine coins or to count them by its light is *assur*; Even a "holy" use - such as to study [Torah] by its light - is *assur*, and [on the other hand] there is someone who holds that it's *muttar* by a "holy" use.**

"OIL THAT IS TO BE BURNED" (i.e. contaminated *terumah* oil [see "Principles"])

The last *Yerushalmi* in *Terumos* (59a):

***Question:* What is the Halacha about lighting "oil that is to be burned" for Chanukah?**

***The House of R' Yannai say:* One may light "oil that is to be burned" for Chanukah.**

***R' Nisa said:* I do not know the positions of my father *firsthand*,<sup>31</sup> but my mother used to say to me, "Your father would say, 'Someone who doesn't have oil which is *chulin* [i.e. oil which has no sanctity at all] can light the Chanukah "candle" with oil that is to be burned'."**

The Rambam (Halachos of *Terumos* 11:18) indeed writes that it's *muttar* to light with "oil that is to be burned" (for someone who doesn't have oil which is *chulin*), and he adds "without a *kohen's* permission". The Radvaz<sup>o</sup> explains that if the non-*kohen* *did* have permission, it would have been too obvious that it's *muttar*. (The *Derech Emunah*<sup>o</sup> goes further, saying that if the non-*kohen* has permission, it's *muttar* even if he *does* have *chulin* as well.) The Radvaz says the *reason* it's *muttar* is "the publicizing of the miracle". The *Derech Emunah* gives a more complex explanation: He says it's based on the principle that one can assume "others would be happy to let me use their property since it's for a Mitzvah" (*Pesachim* 4b). The complexity is: Normally, one cannot say this when there's cause to be concerned that it will result in the owner *losing* that property<sup>32</sup>. But here, the *Derech Emunah* writes, we're talking about where no *individual kohen* actually got possession of it yet (so it's in the category called "property which no one else in particular can lay claim to"<sup>33</sup>), and so the non-*kohen* has the right to assume that *the kohanim in general* are happy to have him do a Mitzvah with their property, since (1) they don't actually have it [yet], and (2) they're not losing much (since even for *themselves* all they can do is burn it).

The *Derech Emunah* also writes that although some authorities hold that it's *assur* by Torah-mandate to get *this* kind of benefit from "oil that is to be burned" [that is "benefit which uses up the material"], they nevertheless will accept the lenient ruling here, because "Mitzvahs were not given to benefit from" [see "Principles"].

<sup>31</sup> source's wording: "[As for] me - I am not knowledgeable about my father."

<sup>32</sup> This is based on *Bava Metz'ah* (29b). These rules are discussed by the *Shulchan Aruch* and *Mishnah Berurah* in the Halachos of *tzitzis* (O.C. 14:4).

<sup>33</sup> This concept is mentioned by the Gemara (*Beitzah* 38b, *Bava Kamma* 39a, *Chulin* 130b), and its basic meaning is self-explanatory. A more complete explanation is beyond the scope of this volume.

The "second half" of the Shulchan Aruch's ruling for se'if 1 follows the development of three subjects:

#### DETAILS AND MINHAGIM ABOUT A "SHAMASH"

The idea of an "obligatory" extra candle was discussed above (671:5), along with Rashi's explanation: "to make the matter recognizable"<sup>34</sup>. And over there we quoted the *Me'iri* (brought by the *Bi'ur Halacha* there), who said that that it's only an obligation for someone who put his Chanukah candle "on his table". The *Beis Yosef* writes similarly here (in the name of *Rabbeinu Yerucham*<sup>o</sup>), that there's no obligation if the candles are "in a place where one doesn't usually leave a candle." However, the *Beis Yosef* himself points out that lighting an extra candle is a *universal* practice, so he explains: "The earlier [generations] established this practice, because not everyone is expert [enough] to distinguish between 'a place where one usually leaves a candle' and a place where one doesn't."

In varying ways, the authorities discuss making the extra candle "distinct" from the others:

(1) The *Beis Yosef* from *Rabbeinu Yerucham*: To serve its purpose, it must be "separated".

(2) The *Shulchan Aruch*'s language is "a bit of a distance away" [as quoted soon].

(3) The *Mishnah Berurah* (from the *Levush*<sup>o</sup>) gives the reason: To make recognizable the number of candles being lit *for that day*.

(4) The *Rema* [also quoted soon] chose the description of the *Mordechai*<sup>o</sup> (which the *Beis Yosef* also brought), that it should be "larger" [i.e. a longer wax candle] than the others. The *Mordechai*'s reasoning is that this way, if the person should come to make use of the light, it will be the light of the "*shamash*" that he uses (and that's how the *Tur & Shulchan Aruch* describe the whole idea of the "*shamash*").

(5) In the *Darkei Moshe*, he brings from the *Maharil*<sup>o</sup> that it should be "higher" than the others, and so too the *Mishnah Berurah* writes that being "taller" is just as good as being "larger".

[See the upcoming material as well, for further development of these subjects.]

The *Mishnah Berurah* writes that according to the strict Halacha, one is *yotzei* with "the candle that's on the table" [i.e. it can be considered an "extra candle"], but the *minhag* is in fact not to rely on it (but rather just the opposite - a separate "*shamash*" is used for every "*menorah*" being lit). In addition, the *Magen Avraham*<sup>o</sup> is stringent in the opposite direction; i.e. a "*shamash*" isn't enough, and one needs a candle "on the table" too. But the *Mishnah Berurah* only writes that it's "best" to have one<sup>35</sup> [because the later authorities disagree with the *Magen Avraham* (*Sha'ar HaTziyun*)].

<sup>34</sup> "For even if he won't want to make use of the light at all, he still needs an extra candle - in order to have the *ability* to use the light of that extra candle; and *then* it's recognizable that the first candle is for the sake of a Mitzvah; but otherwise people would say that he lit that one candle just for his personal needs, since it's standing on the table." (*Bi'ur Halacha* above *ibid.*)

<sup>35</sup> It seems logical that the only time the "*shamash*" could be insufficient is when the Chanukah candles (with their "*shamash*") stand in a place that's regularly used for light-giving candles. In that case, it's certainly not a problem nowadays, because there's no such place; after all, the room is lit electrically anyway. [However, that fact itself actually seems to present a bit of a problem: If candles are lit indoors, in a room well-lit electrically, isn't it like lighting during the day? (See the previous *siman*.)]

## WHICH ONE IS THE "SHAMASH"

The Tur<sup>o</sup> brings a responsum of his brother ("HaRav R' Yechiel"):

**Question:** *What if someone was lighting his Chanukah "candles", and he simply lit one extra "candle", in order to have a "shamash", but he didn't specify which one of the "candles" was in fact to be the "shamash"? Do we say that afterwards he can choose whichever he wants to be the "shamash" (even the first, or one of the middle ones)? Or perhaps he can only choose the last one (which is what makes sense to me [i.e. the questioner])?*

**Answer:** *One should not interrupt between the Chanukah "candles". Consequently, the **last** one becomes the one which is not for the sake of being a real Chanukah "candle" (but rather is lit only so that if he will make use of their light - it will be the light of that "candle" that he uses). You should know, however, that the name "shamash" does not apply to that "candle", for the "shamash" is the one with which he lights the other candles.*

The *Darkei Moshe* focuses on the conclusion (that the name "shamash" only refers to the "lighter"), and explains that it's actually an additional point concerning the Halacha being discussed; namely, that it's *assur* to "simply" light one extra candle, because that's considered "deviating"<sup>36</sup> from the correct number (i.e. according to "which day it is" [as explained above 671:2]). Accordingly, the Tur's brother was explaining, one avoids that problem by using the "lighting" candle [and placing it near the others *after they are lit*], because in this way it's recognizable that this candle is not "part of the group" (since he used it for the lighting).

## CAN ONE ACTUALLY MAKE USE OF THE CANDLELIGHT EVEN "INITIALLY", ONCE THERE IS A "SHAMASH"?

The *Magen Avraham*<sup>o</sup> writes that it's clear from the Ramban<sup>o</sup> that it's still *assur* to actually go and make use of the candlelight, "since someone who sees it would say [i.e. think] that he lit all of them for his [personal] needs; because sometimes a person lights several candles" [i.e. even if only for one necessity]. The *Bi'ur Halacha* brings the *Pri Megadim*<sup>o</sup>, who explains that the *Magen Avraham* means to say that it's *assur* to do activities that need light *even alongside the added light or the "shamash" itself*. But the *Bi'ur Halacha* explains why he himself wrote in the *Mishnah Berurah* that *this* is in fact *muttar*: (1) because of the language of *Rabbeinu Yerucham*<sup>o37</sup>, and (2) in line with the positions of a number of late authorities.

However, the *Bi'ur Halacha* points out, we see that the "shamash" *does* make sure that he's not considered to be *actually* making use of the Chanukah candles. (The practical difference this makes is seen in the next subject, where candles are being re-lit - but this time *not* for the Mitzvah, so that there's nothing that needs to be "recognizable" to "onlookers", but they can't *actually* be used - just like any Chanukah candles.) In the *Mishnah*

<sup>36</sup> The *Gra* says this is similar to the Halacha of the *Rema* above (671:2) that "different people's candles" should be separated, in order to maintain the ability of their candles to show "which day it is".

<sup>37</sup> His words were brought "two subjects ago". (However, the *Bi'ur Halacha* is probably talking about the fact that *Rabbeinu Yerucham* always refers to the "shamash" as the "candle [that's there] for the purpose of using its light" [which we didn't quote above].)



*Berurah*, he brings the position of the Bach<sup>o</sup>, that this is only true if the "Shamash" is in fact higher than the other candles, because then it's the "main source" of his "making use". However, in the *Bi'ur Halacha*, he says the *Magen Avraham* holds it's *never* considered "actual use" (unless the particular use actually calls for more light than the "muttar" candle alone gives [for then one clearly *is* benefiting from the "assur" ones]). In the *Mishnah Berurah*, he concludes that one should be stringent about this point (except in a case that's *really* like the next subject, i.e. where "assur" candles have become mixed up with "muttar" ones [*Sha'ar HaTziyun*]).

***And now, here's the "second half" of se'if 1:*** The *Shulchan Aruch* picks up [after explaining that "making use" is *assur*] by ruling: [Accordingly,] **the *minhag* is to light an additional "candle", so that if he'll make use of the light - [then] it will be the added light (which is the one that was lit last) [that he uses]; and he should position it a bit of a distance away from the other Mitzvah "candles".** The *Rema* adds: [On the other hand,] **in these areas the *minhag* is not to "add"; rather, one leaves the "shamash" (which he lights the candles with) next to them - and this is better; and one should make it longer than the other "candles", so if he comes to "make use" [of the light] - it will be this "candle" that he uses.** [This concludes the *se'if*, except for a "small last section", which is a separate subject.]

[The *Rema*'s language implies that it's not enough merely for the "shamash" to be "separated a bit"; rather, the correct practice calls for *both* (1) that it be used for the actual lighting, and (2) that it be longer [or higher]. So it seems his position is that one should take into account both versions [above] of how to keep the "shamash" distinct.]

[SOLID] CHANUKAH CANDLES WHICH GOT MIXED UP WITH OTHERS (such as ones that were only a "shamash")

***First, some introductory material:*** When a minority of solid objects which are "assur" [in some way] got mixed up with a majority of other objects (of the same type) that are *muttar*, we "ignore" the "assur" minority [generally speaking] (*Shulchan Aruch* volume *Yoreh Dei'ah* 109:1). When we refer to such an "ignoring", we say the minority became "*batel*" [i.e. "nullified" or "cancelled"]. There are two situations [among others] where a minority can be considered "too significant" to ever become "*batel*": (a) if it's "an honorable portion" (i.e. worthy of one's guests) [*Yoreh Dei'ah* 101:1 - from *Chulin* 100a], (b) if it's "something counted" (i.e. people count how many they're dealing with)<sup>38</sup>.

There's a discussion in Tosafos (*Yevamos* 81b) about "an honorable portion":

***[A Baraisa in the Gemara said: (1) If a contaminated piece of meat got mixed up with pure pieces of chatas\* offerings, the contaminated piece becomes "batel"<sup>39</sup> (according to one Tanna). (2) If a contaminated piece of meat got mixed up with pure ones that were chulin [i.e. they had no sanctity at all], the contaminated piece does not become "batel".]***

<sup>38</sup> Actually, there are *Tanna'im* who hold that "something counted" *can* become "*batel*" [as in the Mishnah in *Orlah* (3:7), discussed in *Beitzah* (3b)]. However, the accepted Halacha (at least for *Ashkenazim*) is that it cannot [as the *Rema* writes in volume *Yoreh Dei'ah* (110:1)].

<sup>39</sup> The source's wording is that it "comes up".

**The explanation (of Tosafos) is:** In the latter case, when the contaminated piece got mixed up with chulin, we note that **after** it would become "batel" [i.e. if we will say that it can] then it would be worthy of "honoring" with; therefore, everyone agrees that it [in fact] does **not** become "batel". [In contrast,] in the earlier case, when the contaminated piece got mixed up with pure pieces of chatas\* offerings, [then] even if it would become "batel" [i.e. and consequently kohanim could eat from the mixture in purity], it would not be worthy of "honoring" with, for "honoring isn't relevant before the kohanim in the Beis HaMikdash" [i.e. the kohanim do not consider themselves indebted to each other over what they get to eat - for they are all equal, as it says (Vayikra 7:10) "it shall be for all the sons of Aharon - each man just like his brother" (Tosafos to Chulin 100a)], and consequently it **does** become "batel".

The *Terumas HaDeshen*<sup>o</sup> (103) applies this to whether Chanukah candles are considered "something counted":

**Question:** Let's say a number of people lit [various candles] in one house, and [in the end] one ["true"] Chanukah candle got mixed up among two "shamash" candles, and all of them are sitting there burning, and we don't know which of the candles is the ["true"] Chanukah candle. Is the ["true"] Chanukah candle muttar by means of becoming "batel" within the majority - and [therefore] it's muttar to derive benefit from the three of them - or not?

**Answer:** Since we light [Chanukah candles] "by count" each night, they are [considered] "something counted", which does not become "batel"<sup>40</sup>.

**Now, someone might argue:** [No,] the only thing called "something counted" is something which is measured **in the marketplace** by counting - and not by weight or estimation (and [only] in **that** way is it recognizable that it's a "significant" thing - and therefore it's not "Batel"). In contrast, these candles - even [after] granting [the fact] that we **light** them "by count" - [but] nevertheless if they were being **sold out of a store**<sup>41</sup> they [too] would be sold by weight for usage purposes, and consequently they should not be "something counted"<sup>42</sup>, and [therefore] such a candle should be "batel" within the majority! (As for the fact that we light "by count" - that's [merely] because of the Mitzvah obligation, for that's its Mitzvah [i.e. and this is not the determining factor here].)

**But I hold [that the correct approach is]:** Here, they got mixed up **after** the Chanukah candle was lit for a Mitzvah, so now it's "something counted" as regards its **own** concern [i.e. Mitzvah lighting] (even though with respect to non-Mitzvah concerns<sup>43</sup> - candles are **not** "something counted").

**And the proof is the [above] Tosafos<sup>44</sup>:** [For in the case of "an honorable portion", the Tosafos says that] even though a **chulin** piece is worthy of "honoring" with, nevertheless in the other case where they're pieces of chatas offerings - once they're not considered "worthy of honoring with" in their **own** context (the way they are now - i.e. offerings) - we go after **that** [even] to be lenient. If so, then **certainly** [we use

<sup>40</sup> The *Terumas HaDeshen* substantiates the principle: "'Something counted' - even if it's being *assur* is [merely] Rabbinical - does not become 'batel', as the *Sefer HaTerumah*<sup>o</sup> ruled on [the issue of] the [Baraisa of the] 'litra' of dried figs [Beitzah 3b]."

<sup>41</sup> Here the *Terumas HaDeshen* adds: "in a place where most things are sold by weight (such as in 'eretz lo'eiz' [a foreign country])."

<sup>42</sup> source's wording: "they should not be [included] in the 'significant' things."

<sup>43</sup> source's wording: "with respect to 'the mundane and the like'."

<sup>44</sup> The *Terumas HaDeshen* also says that Tosafos and the Rosh<sup>o</sup> in *Chulin* (100a) say the same thing.

*such reasoning] in the opposite direction [i.e. regarding a Chanukah candle being "something counted"] - to be stringent.*

The *Beis Yosef* brings this. However, the *Darkei Moshe* says that even the *Terumas HaDeshen* would agree that it's *muttar* to make use of the three candles *together* [or even any two of them], just like we say by the whole idea of a "*shamash*" that "it's the *muttar* candle that he's using."

Accordingly, the *Rema* concludes the *se'if*: **If a Chanukah candle (from which it's *assur* to derive benefit) got mixed up with other candles - it does not become "*batel*" (even one within a thousand), for it is "something counted"; Rather, he should light enough [candles] from the mixture so that a "*muttar*" candle is definitely burning with the "*assur*" candle [i.e. even if *assur* ones are there too] - and then it's *muttar* to perform activities [that need light] by them.**

In the *Mishnah Berurah* (and *Sha'ar HaTziyun*), he brings those that disagree with these rulings (in a few ways):

(1) The Taz<sup>o</sup> says that the *Terumas HaDeshen* made a basic mistake, because we can see *from that Tosafos itself* that we look at the objects with the significance they'll have *once we'll say that the *assur* one became "*batel*".* So here, once we'll say the Chanukah candle is "*batel*", it *won't* be "something counted", so we should in fact be able to say that it's "*batel*"! The *Sha'ar HaTziyun* writes that a number of authorities disagree with this approach (i.e. confirming that of the *Terumas HaDeshen* [and the *Rema*]).

(2) The Maharsh<sup>o</sup> holds that the Chanukah candle is "*batel*", and the *Sha'ar HaTziyun* explains that since Chanukah candles are counted only because that's the Mitzvah, consequently the counting does not show "significance" at all (and therefore has no bearing on whether or not they become "*batel*"). The *Mishnah Berurah* brings this, and in the *Sha'ar HaTziyun* he writes that in a case of "great loss" [see "Principles"] one might be able to rely on the lenient position, since the issue is Rabbinical.

(3) As explained in the previous subject, a "*shamash*" causes one's "making use" *not* to be considered *actually making use of the Chanukah candles*, but the Bach<sup>o</sup> holds that's only if the "*shamash*" is higher (so it's the "main source" of his "making use"), and the *Mishnah Berurah* brings his position (which basically contradicts the leniency written in the *Darkei Moshe & Rema* here<sup>45</sup>). But from the *Sha'ar HaTziyun* it's clear that we *are* lenient on this point *here*, since the candles have become mixed up.

*A few more details from the Mishnah Berurah and Sha'ar HaTziyun:*

(a) Even regarding the stringent position of the *Rema* (and *Terumas HaDeshen*) that the Chanukah candle can't be "*batel*", the *Mishnah Berurah* refers to the Taz who says that's only if they got mixed up *during* Chanukah (because the "significance" of the Chanukah candle depends on the fact that it's suitable to use for the next night's Mitzvah). In contrast, if they get mixed up *after* Chanukah (or even during the eighth *day*), the Chanukah candle already lost its "significance" [i.e. it is no longer considered "something counted", and therefore it can become "*batel*"]. Furthermore, in the *Sha'ar HaTziyun*, he refers to the *Machtzis HaShekel*<sup>l</sup>, who points out that they *also* can only be talking about

<sup>45</sup> The *Sha'ar HaTziyun* writes (in the name of the *Mor U'Ketzi'ah*<sup>o</sup>) that even the *Rema* himself can't be *certain* that the "*shamash*" *always* helps this way, for we see that the *Rema* himself ruled earlier [in the *se'if*] that the "*shamash*" *should* be longer than the other candles.

where the Chanukah candle was still big enough to use it again (i.e. it can still burn for a half hour), for the same reason.

(b) The *Mishnah Berurah* also explains that the basic assumption of our case, i.e. that the Chanukah candle is "*assur* to derive benefit from", can only refer to where it became *assur* [for all "mundane" use] by being "set aside" [see below at the end of *siman* 677 as to how - and also see there that the Halacha of a mixture of *oil* depends on whether there's sixty times the *assur* amount], and the *Rema* is only talking about where it was then lit a *second* time [this time *not* for the Mitzvah of Chanukah (*Bi'ur Halacha*)] after going out the first time *before* the "main time period" ends<sup>46</sup>.

The *Sha'ar HaTziyun* mentions that the Taz himself also holds that *sometimes* the "*assur*" candles *don't* become "*batel*", and that is: when they're "*kavua*" [i.e. the mix-up happened in the same place where the "*assur*" candles had *already* been]; but the *Sha'ar HaTziyun* himself decides in favor of those who hold that the principle of "*kavua*" does *not* apply here<sup>47</sup>.

### The development of: **Se'if 2**

#### ONE IS NOT RESPONSIBLE FOR A CHANUKAH CANDLE THAT WENT OUT

It should already be clear, from the beginning of this *siman*, that we rule this way. (Furthermore, we likewise see from the Gemara brought at the beginning of the previous *siman*, that one is "not responsible to re-light it" even if it went out *before* the "main time period" ends.)

Accordingly, the *Shulchan Aruch* starts the *se'if* by ruling: **The lighting makes the Mitzvah; therefore, if it went out, [even] before its time [period] passed, he is not responsible for it.** [The other parts of *se'if* 2 follow the next two subjects.]

The language "The lighting makes the Mitzvah" actually comes from a different Gemara [*Shabbos* 22b] and refers to an unrelated subject [see below *siman* 675]. The Taz<sup>o</sup> explains that the *Shulchan Aruch's* intent *here* is just that once one has lit - he immediately fulfilled the Mitzvah (and therefore does not need to do any more), which *is* our subject.<sup>48</sup> (The *Mishnah Berurah* [at the beginning of this *siman*] explains further that once one has lit, it's *already* a commemoration of the miracle.) [The *Bi'ur Halacha* brings that one should "keep his hand in place" by the wick (i.e. continuously touching the "lighter" to it) until the lighting is "complete" (which he describes as when most of the part of the wick that sticks out {of the oil} is burning). He also writes that to be considered "*Mehadrin* of the *Mehadrin*" (see above 671:2), the entire number of candles which are being lit according to "which day it is" must all be burning together (and

<sup>46</sup> The *Sha'ar HaTziyun* explains that even though some are stringent even about candles that go out *afterward* the "main time period" ends, nevertheless one certainly should not be stringent about that *here*, now that the candles have become mixed up.

<sup>47</sup> The *Sha'ar HaTziyun* gives no explanation of either side of this disagreement. Indeed, the depths of the principle of "*kavua*" go far beyond the scope of this volume.

<sup>48</sup> See also the responsum of the Rashba (by the last subject of this *se'if*), where he, too, uses this language about our subject.

presumably the equivalent would also be true of "*Mehadrin*"; and therefore, if one candle went out before he finished with the others - then he *should* re-light the one that went out.]

Actually, the *Mishnah Berurah* brings a case (from "the later authorities") when one *is* "responsible for it"; namely, if he lit the candle in such a way that it cannot "survive" (which resembles "lighting without enough oil" which is invalid [as discussed below 675:2]). [For even though one *can* light with the "bad" oils and wicks (as discussed above *se'if* 1), that's because with respect to *them* there's only *some concern* that the candle won't last (*Sha'ar HaTziyun*).] So if he can see quite well that the candle is burning "wrong" and it *never* stood a *chance* of remaining lit, then after it's out he must re-light it with a *bracha*<sup>49</sup>. However, if he merely lit it in (what the *Mishnah Berurah* calls) "a place where there are winds", then the *Mishnah Berurah* brings that although he does have to re-light it if it goes out, nevertheless he does not say a *bracha* over that. (The *Sha'ar HaTziyun* brings from the *Pri Megadim*<sup>o</sup> that this is because we do not know with *certainty* that the candle *inevitably* had to go out.)

[In the previous *siman* (clarifications 6-7 to *se'if* 1) we saw that if someone lit in the afternoon (after "*plag haMincha*") with only the regular "half hour's worth", then he has to re-do the lighting, but without a *bracha* - "because out of [the] difficulty [of this case] we say that the Mitzvah actually started from '*plag haMincha*' and onward."]

Note that in the case of "winds", one only has to re-light the candle if it in fact goes out. This could be because of the point mentioned afterwards, that we do not know with certainty that it inevitably had to go out; so if it *doesn't* go out, then that itself *demonstrates* that it was never inevitable that it go out. Another approach would be to say that the first lighting is actually considered valid, and the requirement to re-light is only a "fine" for the fact that it went out *as a result of the lighter's negligence*. A practical difference between these approaches would be the case of glass boxes (which people use to light outdoors in the wind), as follows: How do people keep candles in these boxes from being blown out? Usually, they close the box quickly right after lighting. According to the second approach, that "the first lighting is valid regardless," then so long as the above "trick" works (i.e. the candles *aren't* blown out), there's no problem at all. But according to the first approach, that "lasting in practice *shows* that it wasn't too negligent," so *here* we lack that "evidence", since the lighter "interfered" with the outcome by closing the box. *We can ask*: What should the Halacha be?

#### IF ON FRIDAY AFTERNOON BEFORE THE ONSET OF SHABBOS, THE CANDLES WENT OUT

The *Beis Yosef* brings the *Terumas HaDeshen*<sup>o</sup> (102), who points out that although the main time for the Mitzvah starts only after nightfall (and here the candle went out while it was still day), nevertheless the lighting was already

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<sup>49</sup> This seems strange, since the *Mishnah Berurah* brought - as the explanation of this subject - that "it's like lighting without enough oil," and the *Mishnah Berurah* himself rules below (by 675:2) that someone who does exactly that (i.e. he lights without enough oil) does *not* say the *bracha* when he lights again! But actually, there are two different levels of "bad lighting" here: When lighting "without enough oil", the lighting is only "bad" because the candle could not last *long enough*. But here by "lightings that cannot survive", the candle had no ability to "survive" *at all*! So although we use "lighting without enough oil" as our *source* for the idea of "bad lighting"; still, this case is in fact *worse*. (I saw that the *Chayei Adam*<sup>o</sup> makes this distinction [in his footnotes].)

considered a "proper beginning" for the Mitzvah (since on Friday it's impossible to light at night)<sup>50</sup>, so "he is not responsible for it" even if it goes out *that* early. [See below (*siman* 679) for another conclusion the *Terumas HaDeshen* reaches using this reasoning.]

Accordingly, the *Shulchan Aruch* continues: **[In addition,] even if it went out on Friday before the acceptance of Shabbos - which is still during the day - he is not responsible for it.** [The rest of the *se'if* follows the next subject.]

The *Mishnah Berurah* brings the position of the Taz<sup>o</sup>, who disagrees with the *Terumas HaDeshen*, and says that if there's still time in which it's *muttar* to do *melacha*<sup>\*</sup> then one is *obligated* to light again (just without the *bracha*). And afterwards he brings from the *Pri Megadim*<sup>o</sup>, that even if the one who wants to re-light already accepted Shabbos [early<sup>51</sup>] - it's still *muttar* for him to ask someone else [who *didn't* accept Shabbos early] to do the re-lighting *for* him. [See in the next subject, that it's proper to always be stringent and re-light.]

#### IF HE HIMSELF ACCIDENTALLY PUT OUT HIS OWN CANDLE WHILE TRYING TO FIX IT

The *Beis Yosef* brings a responsum of the Rashba<sup>o</sup> (1:539)<sup>52</sup>, about just such a case:

***The logical conclusion is: He is not obligated to re-light it, since this is like the Gemara's [standard] case of when "it went out"; for "the lighting makes the Mitzvah" - and he already lit it. [Consequently,] if someone does re-light it, he does not say a bracha on the re-lighting; after all, he already did the Mitzvah of lighting***<sup>53</sup>.

Accordingly, the *Shulchan Aruch* concludes the *se'if* by ruling: **[Furthermore,] if after he lit it he was going to fix it and he accidentally put it out - he likewise is not responsible for it.** The *Rema* adds: **[Consequently,] if he wants to be stringent with himself and light it again - he may not say a *bracha* over that.**

In the *Sha'ar HaTziyun*, he brings the *Pri Megadim*<sup>o</sup>, who says that if someone put out his own candle *on purpose*, then he certainly *does* have to re-light it, but he *still* does not say a *bracha*. And the *Mishnah Berurah* says (in the name of the later authorities) that in *all* these cases, it is in fact appropriate to be stringent and re-light.

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<sup>50</sup> The *Terumas HaDeshen* compares this to cooking for one's parents, which is not the *fulfillment* of the Mitzvah (for *that's* not until they eat), but nevertheless (in *Yevamos* 6a) is still considered enough of a "proper beginning of a Mitzvah act" to override Shabbos [according to that Gemara's assumption that honoring parents overrides Shabbos] if that's what the parent requires. The *Gra* proves the point from the very fact that one *can* use the "bad" oils and wicks even for the Shabbos Chanukah lighting (and the *Terumas HaDeshen* himself also wrote a similar proof).

<sup>51</sup> Accepting Shabbos early is mainly dealt with in the Halachos of Shabbos (O.C. 261:2 and 267:2).

<sup>52</sup> The *Beis Yosef* quotes the *Ran*<sup>o</sup> in *Bava Metzi'ah* as bringing this responsum.

<sup>53</sup> The *Gra* proves this Halacha with logic similar to that which he used for the previous one: If putting out a candle in an attempt to fix it would ruin the Mitzvah, how could the Gemara let us use the "bad" oils and wicks, which are more likely to "need fixing"?

The development of: **Se'if 3**

AN "OLD CANDLE"

We find an intriguing statement about Chanukah lighting, in "*Tractate Sofrim*" [see note to 676:4] (20:3):

*It is assur to light with an "old candle"; and if someone only has an "old" one - he must "whiten it" by fire [i.e. blowtorch it] well.*

What exactly does that mean?

The Tur<sup>o</sup> brings the Maharam<sup>o</sup> (of Rottenburg)<sup>54</sup>, who explains it with four points: (1) The plain word "candle"<sup>55</sup> is assumed to refer to an earthenware one; (2) After it's been lit with one time - then it's "old"; (3) Firing it makes it "like new"; and (4) Metal is different and doesn't have the problem.

The *Gra* says this Halacha can be seen from two Baraisas in *Shabbos* (44a): [a] "One may move a new 'candle' [i.e. one that has never been lit with before (Rashi)] but not an old one - [these are] the words of R' Yehudah"; [b] "R' Yehudah says: One may move all metal 'candles'." The *Gra* explains that it's clear from the Gemara there that the subject is whether these candles are "*muktzeh* due to repulsiveness" [see "Principles"]. The *Mishnah Berurah* concludes the proof: On Chanukah as well, an already-used earthenware "candle" would be a disgrace to the Mitzvah.

At the end of the Tur's presentation is one additional point: (5) Glass "candles" and coated earthenware "candles" (i.e. coated with a layer of lead (*Mishnah Berurah*)) have the same Halacha as metal<sup>56</sup>.

Accordingly, the *Shulchan Aruch* rules: **[In the case of] an earthenware "candle" with which one lit [on] one night, it becomes "old" and one may not light with it [on] another night; and if all he has is "old" [ones] - he "fires" it each night in a fire; and a metal "candle" does not have [to be] new; and [as for] one of glass or of covered earthenware - its Halacha is like [that of] metal.**

The *Mishnah Berurah* adds that "the *sefarim*" write that it's best that each person make an effort to have as beautiful a "*menorah*" as he is able to (and that the "candles" should look good as well). [Note: In the Halachos of *Shabbos* (at the end of O.C. 264), the *Mishnah Berurah* applies the "problem with old earthenware" to *Shabbos* candles as well, and he brings that the *Pri Megadim*<sup>o</sup> says (about that) that a poor person should use whatever he has.]

<sup>54</sup> The *Beis Yosef* cites a number of other authorities as also bringing his explanation.

<sup>55</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>56</sup> The *Gra* explains this with sources that show that earthenware is the kind of material which is the best at *absorbing*, as opposed to metal and glass which do not absorb as well. He compares this to O.C. 87:1, which discusses a different kind of repulsiveness which depends on absorbing. According to that comparison, it would seem that a few other points from there should be applicable here, and most importantly the following: If some container is considered repulsive because it *absorbs* some substance, then such a container *certainly* would have to be considered repulsive while that substance *itself* has not yet been cleaned off of it. This is in fact what it says in *siman* 87, concerning the subject there. Therefore, according to the *Gra*, here too, the "fuel container" of a Chanukah "*menorah*" would certainly have to be cleaned before use every night. However, if we would understand that our Halacha is *not* because of absorbing, but rather comes from some other effect which happens only to earthenware, then we could say that *here* the left-over substances are *not* considered repulsive.

Rav Yaakov Chaim Sofer<sup>o</sup> [*Kaf HaChayim* 673 n60] on the choicest material for our "menorahs":

Some authorities write the following list of possibilities (in order): (1) gold, (2) silver, (3) gold-looking copper, (4) "red" copper, (5) iron, (6) "bedil" [tin?], (7) lead, (8) glass, (9) wood, (10) bone, (11) coated earthenware, (12) uncoated earthenware (new, as just discussed), (13) pomegranate shells, (14) "hindi" walnut shells, (15) "alon" shells. And all these should only be used in the form of proper "vessels" ["keilim"] (as opposed to eggshells and the like which are not usable vessels), which are capable of standing on their own.

**The development of: *Se'if 4***

CHANGING THE WICKS EACH NIGHT

Another Halacha from "*Tractate Sofrim*" [see note to 676:4] (20:4):

*There is no need to be concerned and change the wick; rather, one may continue [lighting again with the same wick] until it is finished.*

Accordingly, the *Shulchan Aruch* rules: **There is no [need for] concern over changing the wicks, [but rather one may continue] until it's finished.**

The *Mishnah Berurah* explains that the old wicks are not a disgrace to the Mitzvah; just the opposite - they light more easily once they have been lit before.

The *Darkei Moshe* brings this Halacha from the Avudraham<sup>o</sup> (the *Beis Yosef* brought it from the *Shibolei HaLekket*<sup>o</sup>). He points out that the Avudraham says the *minhag* is to change the wicks anyway<sup>57</sup> (and that the *Kol Bo* says the same), but he did not add this in the *Rema* (as above). [Nevertheless, if wicks are available which *don't* "light more easily once they have been lit before", then perhaps everyone would agree that it's a correct *minhag* to change them each night.]

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<sup>57</sup> The *Me'iri*<sup>o</sup> refers to changing the wicks as "an enhancement [done] as a commemoration of the [*Beis Ha*]Mikdash."



**O.C. siman 674 : When is it *Muttar* to Light One Candle From Another?****The development of: *Se'if 1***THE *SUGYA*' OF LIGHTING FROM ONE CANDLE TO ANOTHER CANDLE

The Gemara (*Shabbos* 22a<sup>2</sup>):

**There was a disagreement:** Rav said [that] one **may not** light from one [Chanukah] "candle"<sup>1</sup> to another [Chanukah] "candle", and Shmuel said [that] one **may**.

**Abbaye reported:** In all of the matters of "the master" [i.e. Rabbah bar Nachmeini<sup>2</sup>], he followed the position of Rav, except for the following three, in which he followed the position of Shmuel: (1) One may light from one "candle" to another "candle", [etc.].

**There are two explanations of Rav:** One of the Sages was sitting before Rav Ada bar Ahavah; and as he was sitting he said, "The reasoning of Rav is [that] to light from one 'candle' to another is **a disgrace** to the Mitzvah" [i.e. Rav is talking about where someone wants to light a "kisem" (i.e. a wood chip or toothpick or the like) from one Mitzvah 'candle' - and then to light the rest of the 'candles' from the "kisem" (Rashi - based on the Gemara later)].<sup>3</sup> Rav Ada bar Ahavah said "to them" [i.e. to those who were present], "Pay no attention to him - the reasoning of Rav is [that] someone who lights from one 'candle' to another is **weakening** the Mitzvah" [for it looks like "taking away the light" and drawing a little of the oil's moisture (Rashi)].

**So the practical difference between the two explanations<sup>4</sup> would be:** If one were to light from one "candle" to another "candle" [i.e. **without** a "kisem" (Rashi)].

[On daf 22b, Rav Sheishes challenges Rav with a certain Baraisa, and the Gemara's conclusion on the point is that the Menorah's "candles" **could** be lit from one another (at least if it was done **directly**), and therefore:] In the end of the day, according to the one who said that Rav said it's *assur* because of **weakening** the Mitzvah - [then] it is a difficulty! **The Gemara concedes:** That is [indeed] a difficulty.

**The Gemara then asks:** What was there about this [i.e. what was concluded]?

**And Rav Huna the son of Rav Yehoshua responded:** I look at the following: If we say [about the independent question<sup>5</sup> (which the Gemara brings and discusses afterwards)] that "the lighting makes the Mitzvah" - [then]

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>2</sup> Rashi. Abbaye always refers to Rabbah as "the master" ["*Mar*"], because he was Abbaye's teacher (Rashi to *Shabbos* 5b). [Rashi to Bava Metz'ah 107a adds that Rabbah had raised him in his own home.]

<sup>3</sup> The *Mishnah Berurah* explains that the reason *not* to consider it a disgrace would be because he's doing it in order to light a Mitzvah candle right afterwards.

<sup>4</sup> I.e. regarding Rav's position. For it soon becomes clear that if we say Rav was referring to it being *assur* because of "weakening", that means Shmuel *agrees* about "disgrace", so according to *that* explanation Shmuel holds it's *assur* to do it with a "*kisem*" (whereas according to the *other* explanation Shmuel holds it's *always muttar*).

<sup>5</sup> Whose main practical effects are discussed throughout *siman* 675.

one **may** light from one "candle" to another "candle" [i.e. since in so doing he is performing the Mitzvah itself]. [On the other hand,] if we say that the "setting in place" makes the Mitzvah - [then] one **may not** light from one "candle" to another "candle" [for then lighting is not all that much of a Mitzvah (Rashi)].

In the end, the Gemara (ibid. 23a) establishes that "the lighting makes the Mitzvah" [as discussed further in *siman* 675].

To summarize: (1) **Rav Ada bar Ahavah** said Rav holds it's *assur* to light from one candle to another *even directly* (because that's "weakening") - and the Gemara said that's "difficult"; (2) "**Some Sage**" said Rav holds it's *assur* because it's a "disgrace" (which means *only indirectly*); (3) What Rav holds to be *assur* - **Shmuel** holds it's *muttar* - and that's what Rabbah followed; and (4) Rav Huna the son of Rav Yehoshua said that it's only *muttar* if we say "the lighting makes the Mitzvah" - which is in fact the established conclusion.

We then find the following analysis in Tosafos [a "clarification" will be given afterwards]:

**Question:** "What was there about this?!" - that's surprising! What's the Gemara asking; and also, what does Rav Huna the son of Rav Yehoshua mean [by responding], "We look [at it] - If the lighting etc.?" - Isn't it **apparent** what the Halacha is?

**After all, we should reason as follows:** We **have** to say that Rav and Shmuel disagreed about a case with a "kisem", and about whether to say it's *assur* because of **disgrace** to the Mitzvah. After all, the one who explained Rav with the reasoning of "weakening the Mitzvah" was refuted! [As for how to rule,] the Halacha should be like Shmuel, for Rabbah acted in accordance with his position. Therefore, even lighting by means of a "kisem" is *muttar*! [So what is there to "look at"?)

**Answer [1]:** Rav Huna the son of Rav Yehoshua (and the Gemara at this point) does not consider Rabbah's following Shmuel as being authoritative [i.e. rather, he holds we rule like **Rav** since it's an issue of "what's *assur*"<sup>6</sup> (Rosh)]. [Furthermore, although the explanation of "weakening" was refuted, nevertheless (Rosh)] he's asking the following question: Does the "setting in place" make the Mitzvah - and [therefore,] because of "disgrace to the Mitzvah", it's *assur* according to Rav to do it **even directly**<sup>7</sup> (equally like with a "kisem")? Or, do we say that the **lighting** makes the Mitzvah - and [therefore] it's *muttar* (just like by the Menorah<sup>8</sup>)? (But we are **certainly** not concerned over it being a "**weakening** of the Mitzvah".) And [then,] the Gemara establishes that the **lighting** makes the Mitzvah, and [therefore] it's *muttar* [to do it **directly**].

**Answer [2] (in the name of "the Rivam"):** Rav Huna the son of Rav Yehoshua is **really** asking what the Halacha is according to **Shmuel** - for the Halacha is like him; just that [in order to clarify Shmuel's leniency] he's asking the following: Do we hold like the Gemara said above - that according to the one who

<sup>6</sup> When these two disagree, the Halacha generally follows Rav by issues of "what's *assur*", and Shmuel by monetary issues (*Bechoros* 49b).

<sup>7</sup> As Rashi explained (above), if the "setting in place" makes the Mitzvah, then *lighting* is not all that much of a Mitzvah. If so, it could be considered a *disgrace* to use the lit Mitzvah candle for the "non-Mitzvah purpose" of "merely lighting" the new candle.

<sup>8</sup> I.e. even if we say that the only reason it's *muttar* for the Menorah's candles to be lit from one another is because by the Menorah the *lighting* makes the Mitzvah - that doesn't make a difference here if we say that by Chanukah *as well* the lighting makes the Mitzvah (as opposed to the previous "side" where we said that by Chanukah the "setting in place" makes the Mitzvah, so *then* Chanukah could be different, and the Gemara's earlier proof from the Menorah can be avoided - at least if we use the "disgrace" reasoning). [This point comes across more clearly in Tosafos's second answer.]

said Rav's reasoning was because of **disgrace** to the Mitzvah [then] it's **muttar** to light from one "candle" to another "candle" **directly** even according to Rav (and if so they're disagreeing by a case with a "kisem" - and Shmuel holds it's muttar even in a case with a "kisem")? Or, perhaps we do not hold that way, but rather we say that even in a case of lighting **directly** from one "candle" to another "candle" there's **also** [a problem of] disgrace to the Mitzvah (and Rav holds it's assur), for the "**setting in place**" makes the Mitzvah (and as such it's not comparable to the Menorah [where the **lighting** makes the Mitzvah]) - and [therefore] Shmuel only holds it's muttar by lighting **directly** from one "candle" to another - but by a case with a "kisem" he agrees that it's assur. And the response is that we see that the Gemara asks this question - and concludes that the **lighting** makes the Mitzvah; consequently, even according to Rav one **may** light **directly** from one "candle" to another like by the Menorah, and therefore according to **Shmuel** it's muttar even in a case with a "kisem".

To clarify somewhat: In both answers, Tosafos expounds the same "new issue" (that if the "setting in place" makes the Mitzvah, we can say that there's "disgrace" even by lighting *directly*). The *difference* between the answers is the following: Since the "new issue" is really about Rav's position<sup>9</sup>, answer [1] explains that the Gemara is now following Rav; but answer [2] says the discussion of Rav is only in order to understand *Shmuel*. As a result, when the Gemara concludes that *lighting* makes the Mitzvah, which eliminates the "new issue", both answers are left with the original understanding of Rav (i.e. that it's *assur* only *indirectly*), just that answer [2] holds that *we* rule like *Shmuel* (which would mean that it's *muttar* even *indirectly*).

*However, we really have to see **four** approaches of the early authorities (regarding the final Halachic analysis of the sugya):*

(1) **In one approach, the Rosh**<sup>o</sup> says like answer [1] of Tosafos, which means it's *muttar* only *directly*. In addition, **the Rambam** simply rules that it's *muttar* to light from one Chanukah candle to another, and the *Ran*<sup>o</sup> points out that this implies it's *muttar* only *directly*.

(2) The **Ra'avad**<sup>o</sup> then adds to the Rambam's words: "and with a 'kisem'," and the *Ran himself* also says that this is the correct conclusion from the *sugya*. The *Gra* points out that this is the conclusion according to answer [2] of Tosafos [as explained above].

(3) **The Rosh's other approach** is to use *two* "new issues": First of all, he uses the "new issue" of Tosafos [that if the "setting in place" makes the Mitzvah, we can say that there's "disgrace" even by lighting *directly*]; in a moment we'll see how. His other "new issue" is as follows: He says that the intent of the Gemara's question "What was there about this?" was to ask whether the "difficulty" which was reached beforehand is a complete "refutation" or not; and Rav Huna the son of Rav Yehoshua is answering that it's *not* a complete refutation - and that we in fact adopt (i.e. stringently) the position that the disagreement *was* about "weakening", and when it comes to "disgrace" Shmuel *agrees*. So it's in *that* context that Rav Huna the son of Rav Yehoshua raises the "new issue" of Tosafos - to clarify whether this "agreement" by *Shmuel* makes it *assur* even *directly*; and the conclusion is that it doesn't. So according to this approach, the Halacha is *still* that it's *assur* *indirectly*, like with the Rosh's other approach (i.e. answer [1] of Tosafos), just

<sup>9</sup> After all, if *Shmuel* held such a stringent position, how could there be *any* case where Rav would be more stringent than Shmuel?

that *then* he was saying it on the side of *Rav*, and now he's saying it in *Shmuel*. (And the *Ran* writes that the Ramban<sup>o</sup> also rules that it's *muttar* directly but *assur* indirectly; and the Rosh says that this is the Rif's ruling as well<sup>10</sup>.)

(4) The Rosh then brings that the *Sefer HaTerumah* rules that it's **always** *Muttar* [like those listed in (2) above], and the Rosh himself explains his reasoning as follows: Rav Huna the son of Rav Yehoshua is disagreeing with what the Gemara concluded (beforehand); *we*, therefore, reject *his* position. The Rosh then responds to that argument, saying that even if it's a disagreement, we should still rule like Rav Huna the son of Rav Yehoshua - since that would be "ruling like the later authority" [see "Principles"].<sup>11</sup>

To summarize these conclusions: The *Ran*, Ra'avad, and *Sefer HaTerumah* (and Tosafos's answer [2]) hold that it's *muttar* even *indirectly*. The Rif, Rambam, Ramban, and Rosh (and Tosafos's answer [1]) hold that it's *muttar* *only directly*. [As for the *Shulchan Aruch's* ruling in practice, that must wait for the *next* subject.]

The *Beis Yosef* ends by bringing the *Terumas HaDeshen*<sup>o</sup> (107), who says that even according to the position that it's *muttar* even directly, one must concede that it's *assur* whenever there's reason to be concerned that the "*kisem*" may go out before it even *reaches* the "destination" candle, since then no "next Mitzvah" will have been accomplished at all.

The *Mishnah Berurah* deals with a practical difficulty: The *Pri Megadim*<sup>o</sup> explains that one may not (at least "initially") move a Chanukah candle after it's lit (as explained below 675:1 [by "taking it outside"], based on the *Mahari Veil*). Separate from that, most of the later authorities rule that the candle *to be lit* must be in place at the lighting time itself - and not even a *moment* later (also explained below 675:1 [by "holding in ones hand"] - *not* like the Taz). If so, how is it possible to light from one Chanukah candle to another "directly"? - Both have to be standing in their places!<sup>12</sup> In the *Mishnah Berurah*, he answers that we're talking about touching extremely long wicks to each other<sup>13</sup>. (In the *Sha'ar HaTziyun*, he brings the *Pri Chadash*<sup>o</sup>, who clarifies this by saying that the candle "to be lit" is considered "in place" even if he pulls its wick, so long as he doesn't actually *remove* it from the "candle".)

#### THE PRACTICAL HALACHA (AND *MINHAG*) ABOUT THE ABOVE

When the Gemara establishes that "the lighting makes the Mitzvah" [as mentioned above], the Tosafos says that "if so, it's *muttar* to light from one 'candle' to another 'candle'; however, since 'the world' has been acting stringently [in the

<sup>10</sup> His basis for this is just like how the Ran explained the Rambam [as brought above]: The Rif leaves the original language "from one candle to another candle", implying that only doing it *directly* is *muttar*.

<sup>11</sup> Of course, this counter-argument would not be relevant with respect to Tosafos's answer [2] (although the conclusion is the same), since in *that* approach, Rav Huna the son of Rav Yehoshua is *not disagreeing* with the earlier Gemara.

<sup>12</sup> In the *Sha'ar HaTziyun*, he mentions the *Eliyahu Rabbah*<sup>o</sup>, who explains that we're talking about moving the already-lit candle towards the about-to-be-lit candle. As for the problem of "moving it after it's lit", the *Sha'ar HaTziyun* says that *Eliyahu Rabbah* must hold that since "moving it after it's lit" is a problem *only because* someone who sees it would conclude that the candle is for personal use - so here that's not a concern, since onlookers will see that he's only moving it to light another Chanukah candle.

<sup>13</sup> In the *Sha'ar HaTziyun*, he brings that the Rashba<sup>o</sup> and the *Maggid Mishneh*<sup>o</sup> write explicitly this solution [which the Gemara itself said concerning the Menorah], and that this itself disproves the position of the Taz<sup>o</sup> (that one *can* set a candle in place even a few moments *after* lighting it).

matter], the *minhag* is not to be changed." (The *Beis Yosef* brings this, and the *Darkei Moshe* brings that the *Hagahos Maimonios*<sup>o</sup> and the *Mordechai*<sup>o</sup> say the same.) The Tosafos's simple wording of "candle to candle" appears to be referring to *direct* lighting [which indeed everyone agrees is *muttar* by the end of the *sugya*], meaning that even for *that* the *minhag* is to be stringent. The *Rema* describes the *minhag* this way explicitly [as quoted soon].

In the next *se'if*, we see that the issue of lighting from one candle to another candle applies by other Mitzvah candles as well. However, the *Darkei Moshe* points out, the *Mordechai* implies that the *minhag* to be *extra* stringent is only by Chanukah candles. The *Darkei Moshe* explains this using the reason "Rabbeinu Simcha" gives for the *minhag*: "If the candle he's using to light [all] the others goes out, he shouldn't re-light it from the ones that are [already] lit (in order to finish lighting); [for] even though it's *muttar* to light from one candle to another candle, nevertheless the practice is to be stringent - and this *minhag* is not to be changed; and the reason is that the basic Mitzvah is 'one candle [for] a man and his household' [as discussed above 671:2], and the others are merely optional - as an 'enhancement' of the Mitzvah; therefore, [i.e. all the *more* so,] if one of the candles went out - one should not light it from the others - because there's no Mitzvah in that lighting, for we rule '[if] it went out - he is not responsible for it'<sup>14</sup>."

Finally, the *Darkei Moshe* brings the *Nimukei Yosef*<sup>o</sup>, who says that whole problem<sup>15</sup> of lighting from one candle to a second candle is "only while the first candle is burning for its Mitzvah; but when it *already* burned for its Mitzvah [time period (as the *Rema* explains - quoted soon)] - it becomes *muttar* to light from it." He also brings that the same applies to synagogue candles [as explained in the next *se'if*, they're considered Mitzvah candles too]; i.e. that when they need to be put out [anyway], it's *muttar* to light from them.

Now, the *Shulchan Aruch* only discusses the "basic Halacha" (with the stringent position "anonymous"): **One may light one Chanukah "candle" from another Chanukah "candle"; and [that's true] only for lighting from this one to that one with no intermediary; but to light from this one to that one by means of a "non-Mitzvah candle"<sup>16</sup> - [that's] *assur*; [On the other hand,] some hold that this is also *muttar*, unless it's in such a way that there's [reason] to be concerned that the non-Mitzvah "candle" will go out before it will light the other (Mitzvah) "candle".** But the *Rema* brings the *minhag* from Tosafos (i.e. even *more* stringently): **[However,] the *minhag* is to be stringent by Chanukah "candles" - not even to light from one "candle" to another "candle"; because its main Mitzvah is only one "candle" - and the rest is not so much of a Mitzvah - and therefore one should not light this one from that one; [Still,] all this is only while they are still burning for their Mitzvah, but after the time**

<sup>14</sup> This last case is not brought by the *Rema*. But the *Mishnah Berurah* does write it, and in the *Sha'ar HaTziyun* he writes that he's astonished at the Levush<sup>o</sup> for writing the opposite. However, "Rabbeinu Simcha" implied that it's only a problem according to the *minhag* to be stringent, whereas the *Mishnah Berurah* is talking about it being *assur* even by the strict *Halacha* (which is the implication of a *Mordechai* that the *Darkei Moshe* also brings).

<sup>15</sup> source's wording: "the fact that one may not light from one candle to another candle." [This would seem to refer to lighting *indirectly*, which is *assur* even according to the strict Halacha. On the other hand, by looking at the next case where "the same applies", we seem to see that it's actually talking about lighting a totally non-Mitzvah candle. But we see soon that the *Mishnah Berurah* rules leniently *only* (1) when coming to light a Mitzvah candle, and *also* (2) only if he does it *directly*. Perhaps this can be clarified after we note that above (672:2), we learned that it could be problematic to "use" the candles even *after* the time period is over.]

<sup>16</sup> *Shulchan Aruch*'s Hebrew: "*ner shel chol*" (lit. "a candle [that's] not of holy [function]").

**of the Mitzvah has passed - they are *muttar* to derive benefit from, [so] all the more so [it's clear that] it's *muttar* to light [others] from them.**

The *Mishnah Berurah* clarifies a few points:

(1) The "*shamash*" [which was explained in the "second half" of 673:1 above] is considered a "non-Mitzvah candle" in our context. However (says the *Mishnah Berurah*), the Maharshal<sup>o</sup> writes that in the synagogue, the "*shamash*" is called a "Mitzvah candle" just like the other candles; "and therefore those who light their [personal] candles (by means of their servants) from a synagogue candle - [i.e.] even from the '*shamash*' - should be sharply reprov'd, except [on] the departure of Shabbos (to provide light in the dark alleys - in order to walk to one's home)."

(2) He supports the *Darkei Moshe's* position that the *minhag* to be extra stringent is only by Chanukah candles. However, he refers to the *Pri Megadim*<sup>o</sup> who writes that even by *other* Mitzvah candles one ought not to light one from another *indirectly*. [More on this in the next *se'if*.]

(3) One situation where there could be two Chanukah candles in the same house is from the second night and on. In that case, it's clear that the "added" candles are merely an "enhancement" (as mentioned). However [says the *Mishnah Berurah*], in another case, there's a distinction to be made: The *Magen Avraham*<sup>o</sup> writes that if the cause is that there are two people lighting, and all of them are united under the financial support of one "head" of the household, then again everyone's candles (besides the "head"'s) are "enhancements" (so the *minhag's* reason applies) [see above 671:2 about these rules]. On the other hand [continues the *Mishnah Berurah*], the *Pri Megadim* writes that if the lighters are financially independent of one another, and merely "share" one home, then both of their candles are equally "Mitzvah candles", so *they* in fact *can* use the leniency of our *se'if* [but see the "practical difficulty" at the end of the previous subject].

(4) Concerning "after the time", one should only be lenient when (a) one is going to light a Mitzvah candle, and also (b) he should be lighting one from the other in the way which is *muttar* even "during the time" (i.e. *directly*). [To clarify this, note that above (672:2) we learn that it could be problematic to "use" the candles even after the time period is over.]

### **The development of: *Se'if 2***

#### DOES THIS "STATUS" OF BEING A "MITZVAH CANDLE" APPLY BY OTHER MITZVAHS

When the Tur brings the leniency of the *Sefer HaTerumah*<sup>o</sup> (and then concludes by bringing that the Rosh<sup>o</sup> disagrees), he "attaches" to "the *Sefer HaTerumah's* ruling" the following "addition": "And [when it comes to] a 'candle'<sup>17</sup> of Shabbos or of the synagogue - all of them<sup>18</sup> are considered [candles] of a Mitzvah, in the sense that one can light from one to another."

<sup>17</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

In addition, the *Darkei Moshe* brings the *Nimukei Yosef*<sup>18</sup>, who says that the same goes for a candle for Torah study, or for a woman who gives birth or any [other] sick person who is in danger.

Accordingly, the *Shulchan Aruch* rules: **"There is someone who holds"<sup>19</sup> that [one it comes to] a "candle" of the synagogue and of Shabbos and of Chanukah - all of them are ["candles"] of a Mitzvah, and [therefore] one may light one from another.** The *Rema* continues: **And the Halacha is the same [for] a "candle" of Torah study or a "candle" for a sick person who needs a "candle"; and regarding a synagogue "candle", see above [O.C.] siman 154, se'if 14.**

However, the *Gra* shows us a different point of view about this entire issue: The *Ran*<sup>o</sup>, he brings, asks: Once we rule [as explained above 673:1] that it's *assur* to make use of Chanukah candles even for a "holy use" (such as Torah study), so how could it possibly *not* be a "disgrace to the Mitzvah" to light from one candle to another (i.e. even though the next candle will also be "holy")? And he answers: "Because both [candles] are one Mitzvah - i.e. the Mitzvah of Chanukah candle[s] - and something is not 'cancelled out' by its own kind; but [as for] other Mitzvahs - [then] it appears like they are 'canceling out' one another<sup>20</sup>." According to that reasoning, argues the *Gra*, lighting from a Chanukah candle to a candle of a *different* Mitzvah should in fact be *assur*! As for the *Sefer HaTerumah*, the *Gra* simply proposes that *he* hold like the *Ba'al Hattur*<sup>o</sup> [above *ibid.*], that it *is* in fact *muttar* to make use of a Chanukah candle for a "holy" use, just like we already saw *here* [in *se'if* 1] that the *Sefer HaTerumah*'s position on "disgrace to a Mitzvah" is more lenient!

The *Mishnah Berurah* brings this, and he concludes by referring to another authority who also holds that by different Mitzvah candles it's *assur*.<sup>21</sup> (And in the *Sha'ar HaTziyun*, he points out that according to the *Gra*, *any* candles of two different Mitzvahs may not be lit from one another.)

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<sup>18</sup> The *Beis Yosef* explains that the wording "all of them" is used [as opposed to "both"] because the *Sefer HaTerumah* himself put Chanukah candles together with the other two, as one list.

<sup>19</sup> *Shulchan Aruch* language for a reliable but uncorroborated source.

<sup>20</sup> The language is "borrowed" from *Zevachim* (79a), which is referring to the "sandwich" of Pesach night.

<sup>21</sup> As we emphasized above, the *Tur* also seems to consider this second ruling of the *Sefer HaTerumah* to be an "extension" of the first one.

## **O.C. *siman* 675 : The Lighting Makes the Mitzvah (not the setting in place)**

### **The development of: *Se'if* 1**

THE LIGHTING "MAKES" THE MITZVAH (NOT THE "SETTING IN PLACE"), so *that's* what has to be for the Mitzvah's sake

The Gemara (*Shabbos* 22b<sup>2</sup>):

**The Sages asked:** *Do we say that the lighting makes the Mitzvah, or that the "setting in place" makes the Mitzvah? [Which does the Mitzvah chiefly depend on (Rashi)?]*

**The Gemara concludes with a proof:** *R' Yehoshua ben Levi said: [23a] If a glass lantern had been burning the entire day [of Shabbos] [having been lit for the Mitzvah on the eve of Shabbos (Rashi)], then on the departure of Shabbos one puts it out and then once again lights it [for that night's Mitzvah (Rashi)]. Now, we can understand this well if you say the lighting makes the Mitzvah [because then **that** is what has to be re-done for the sake of "that night's Mitzvah"]. But if you would say the "setting in place" makes the Mitzvah, [then] the statement should not read "one puts it out and then once again lights it"! [Rather,] it should have read "one puts it out and [then] picks it up and places it back down and only **then** lights it"!*

**And one final proof:** *We word the bracha: "...who sanctified us with his Mitzvahs - and commanded us to **light** a Chanukah 'candle'<sup>1</sup>!"*

**From all this, the Gemara concludes:** *The lighting makes the Mitzvah.*

The Tur<sup>o</sup> chooses the Halacha of R' Yehoshua ben Levi as the main practical effect of our principle (that the lighting makes the Mitzvah). First, however, he emphasizes the basic idea *behind* that Halacha: that if a "candle" was sitting in place [i.e. unlit] without any intent that it be for the Mitzvah, then what has to be done is to *light* it [i.e. for the sake of the Mitzvah], but there's no need to *remove* it (from its place) and then *set it in place* for the sake of the Mitzvah.

The Tosafos (quoting "the *Riva*") mentions that R' Yehoshua ben Levi is referring to a lantern which was lit on Friday afternoon *as a Shabbos candle*. On the other hand, Rashi wrote<sup>2</sup> that the lantern was lit as the *Friday night Chanukah candle*, indicating that even *then* it needs to be re-lit after Shabbos. The *Mishnah Berurah* explains that this is because "each day [of Chanukah] is a separate matter."

The *Shulchan Aruch* incorporates that Rashi [while the rest of his wording is taken from the Tur], as he rules: **The lighting makes the Mitzvah, and not the "setting in place"; [which means] that if it was sitting in its place - not for the sake of the Mitzvah of Chanukah - he lights it there; and he does not have to remove it and [then] set it [back] in place for the sake of the Mitzvah of Chanukah; Therefore, [in the case of] a "glass" [lantern] which had**

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>2</sup> To keep things clearer, this point was omitted from the quote of Rashi which we included with the Gemara.



**been burning the entire day - having lit it on the eve of Shabbos for the Mitzvah of Chanukah: on the departure of Shabbos one puts it out and [then once again] lights it for the sake of the Mitzvah.** [The rest of the *se'if* follows the next two subjects.]

The *Mishnah Berurah* writes the Gemara's last proof (the *bracha*); and he points out that based on the same logic, we can conclude that in the case of Shabbos and Yom Tov\* candles as well, it's the lighting that makes the Mitzvah.<sup>3</sup> (The *Mishnah Berurah* in the Halachos of Shabbos [to O.C. 263:10] applies this by saying that lighting Shabbos candles in a place where they're not relevant at all is totally invalid [similar to our Gemara of "lighting indoors and then bringing outdoors", discussed soon].)

#### SOMEONE WHO LIT THE CANDLE BUT STOOD THERE HOLDING IT

The Gemara (*Shabbos* 22b<sup>2</sup>):

**The Gemara brings a proof** [during the above discussion]: Rava said: If someone was holding a Chanukah "candle" and merely standing there [i.e. he was holding it from when he lit until it went out (Rashi)], he didn't do anything. Let us derive from this that the "setting in place" makes the Mitzvah!

**The Gemara counters:** No, there it's because otherwise someone who sees it could say [i.e. think]: "[It seems that] it's for his [personal] needs that he's holding it [and not for the Mitzvah]."

The Tur and *Shulchan Aruch* bring this Halacha [as quoted after the next subject], as well as the reason from the "countering" (since we hold that "the lighting makes the Mitzvah" as above). The Taz<sup>o</sup> says that if someone holds the candle *only for a short time* after lighting it, that's not a problem<sup>4</sup> [as implied by the above Rashi]. But the *Mishnah Berurah* decides in favor of the later authorities who reject this<sup>5</sup>.

#### SOMEONE WHO LIT INDOORS AND THEN BROUGHT THE CANDLE OUTSIDE

The Gemara (*Shabbos* 22b<sup>3</sup>):

**The Gemara brings a proof** [during the above discussion]: Rava said: If someone lit his Chanukah candle indoors and [then] brought it out [i.e. to the "outside" of his entranceway where it belongs (Rashi)], he didn't do anything. Now, we understand [that] if you say the **lighting** makes the Mitzvah - that's why he didn't do

<sup>3</sup> The *Sha'ar HaTziyun* refers us to the *Eliyahu Rabbah*<sup>o</sup>. The latter says that Rashi seems to base our principle ("the lighting make the Mitzvah") on the Menorah, and based on that - the Maharshaf<sup>o</sup> and the Taz<sup>o</sup> hold it does *not* apply to Shabbos candles. The *Eliyahu Rabbah* himself disagrees, based on the *bracha* - and an explicit *Mordechai*<sup>o</sup>.

<sup>4</sup> Here the Taz says he was *yotzei* (which would apparently only tell us it's okay "after the fact"). In the previous *siman*, however, he uses his position from here to explain how it can be *muttar* to light from one candle to another candle directly, which implies that here too he means that it's *muttar* even "initially".

<sup>5</sup> The *Mishnah Berurah* describes them as saying not to do it (which would apparently only tell us it's a problem "initially"). However, if they reject the Taz's distinction completely, it should follow that they hold he was not *yotzei* even "after the fact" (like the Gemara said about our case). [And see the previous footnote.]

anything [because since the lighting is the fundamental act of the Mitzvah, it needs to be done in a "place of obligation" (Rashi)]. But if you say the "setting in place" makes the Mitzvah - [then] how come he didn't do anything?

**The Gemara counters:** No, there as well [like in the previous subject], it's because otherwise someone who sees it could say [i.e. think]: "[It seems that] it's for his [personal] needs that he lit it [and not for the Mitzvah]."

Based on this [and the previous subject], the *Shulchan Aruch* rules [as did the Tur], concluding the *se'if*: **Nevertheless** [i.e. although the "setting in place" doesn't "make" the Mitzvah], **one has to light it in the place where he's putting it, i.e. if he lit it indoors and [then] brought it out - he was not yotzei, for someone who sees [it] says [i.e. thinks]: "It's for his [personal] needs that he's lighting it"; And similarly, if he lights it and holds it in his hand in its place - he was not yotzei, for someone who sees [it] says [i.e. thinks]: "It's for his [personal] needs that he's holding it."** Now, some clarification is needed here:

It would seem that in *this* case, the *Shulchan Aruch* [and Tur] should not have used the reason from the Gemara's "countering"! After all, the Gemara only needed that explanation to defend the position that "setting in place" makes the Mitzvah; but once we conclude that *lighting* makes the Mitzvah - then "we understand" Rava *without* that reason [because the lighting needs to be done in a "place of obligation", as Rashi explained]!

But if we focus on the phrase they added, "one has to light it in the place *where he's putting it*", we can understand their intent. Shouldn't they have said "in the place where he's *obligated* to put it"? After all, Rashi clearly interprets Rava as considering "indoors" *not* to be the "place of obligation", and *that's* the problem which comes from "the lighting makes the Mitzvah"! From this we understand: The Tur and *Shulchan Aruch* are pointing out that the concern about "someone who sees it" makes it a problem to light one's candle *anywhere but where he's actually leaving it* (even if *both* places are ones "of obligation"), since *the moving from place to place* is what gives the onlooker his impression.

The *Mishnah Berurah* uses this approach. He elaborates: When everyone had to light "by the 'outside' of his entranceway" [see above 671:5], then *everywhere* else was "invalid to light" more simply [i.e. because "lighting makes the Mitzvah" as above]; but "nowadays when we light indoors" [i.e. so that *is* a "place of obligation"] - one still is not *yotzei* by lighting in one place and leaving it elsewhere, because of "someone who sees it".

Similarly, the *Darkei Moshe* brings from the *Mahari Veil*<sup>6</sup> that "one must leave it, in the place it was lit, for a half hour."<sup>6</sup> The *Mishnah Berurah* brings this, and although he mentions that there are later authorities who disagree<sup>7</sup>, nevertheless he concludes by bringing the *Pri Megadim*<sup>8</sup> who decides that one certainly should be

<sup>6</sup> This means that even if the candle *in fact sat* in one place for some time [which *clearly* satisfies "the lighting makes the Mitzvah"], one still may not move it to any new place (until "a half hour"). [It also seems to include that one may not pick it up and move it - even if he then puts it back down in its *original* place. (This contributes to "the practical difficulty of the *Mishnah Berurah*" by the first subject of *siman* 674 above.)]

<sup>7</sup> In the *Sha'ar HaTziyun*, he refers to what the *Magen Avraham*<sup>9</sup> brings in the Halachos of Shabbos (O.C. 263). From that *Magen Avraham*, it seems clear that this lenient position holds it's *muttar* to move the candle even immediately after it's lit [i.e. rejecting the whole approach of the Tur, *Shulchan Aruch*, and *Mishnah Berurah*, that was just discussed].

concerned over this "initially". [Actually, in the *Sha'ar HaTziyun* above (to 672:2 by "the amount of oil to use"), he brings that one should not move them for as long as they burn - even *past* a half hour.<sup>8</sup>]

(The *Beis Yosef* brings from R. Yitzchak Abouhav<sup>o</sup> that "nowadays that we light indoors" [as above 671:5], we need not be so concerned about "people passing to and fro". However, the *Mishnah Berurah* does not mention that [and see further in the next subject, about the synagogue lighting].)

*We can ask*: What if someone discovered that his "*menorah*" was blocking the doorway? Should he be allowed to move it over a little, so that he (and others) will be able to get through?

#### MOVING THE SYNAGOGUE "*MENORAH*" (WITH CANDLES BURNING) TO ITS YEAR-ROUND REGULAR PLACE

The *Beis Yosef* quotes R. Yitzchak Abouhav<sup>o</sup>, who brings from the *Nimukei Yosef*<sup>f</sup>:

***There was a vessel*** in the synagogue, inside of which they lit "candles" all year, to provide light.<sup>9</sup> One time, "candles" were prepared, for the purpose of being Chanukah "candles", in that vessel; and after the lighter had lit the Chanukah "candles" - he raised the vessel by means of its rope<sup>10</sup> in order to position it in its special year-round place.

***And the Nimukei Yosef opposed the lighter*** - insisting that he shouldn't do that. For even though those standing in the synagogue heard the bracha of Chanukah at the time of the lighting [so to **them** it's clear that these candles are for the *Mitzvah*], nevertheless an onlooker who was **not** there at that time could say [i.e. think]: "It's for his [personal] needs that he lit it." Therefore, he commanded that the lighter should not raise it, but rather he should leave it down below - below ten *tefachim*<sup>\*</sup> [i.e. the correct height for Chanukah candles, as discussed above 671:1].

***The Nimukei Yosef added*** that there is reason to question even **this** [solution], because the people will still make use of its light. After all, since all year they are used to lighting a "candle" in that vessel to make use of its light, so now also, even if it's not kept at its usual place [up high], still it's impossible that the Chanukah "candles" not serve those standing there - in place of the "candles" they were used to (given that there's no [extra] "candle" sitting together with the Chanukah "candles"<sup>11</sup>). In conclusion [he said], what's appropriate is to "innovate" [the use of] a separate vessel for Chanukah.

<sup>8</sup> In addition, see by "applying the lighting times to nowadays" (above 672:2) concerning the possibility that for "us", the relevant time period *itself* may be longer than a half hour.

<sup>9</sup> The *Pri Megadim*<sup>o</sup> explains how this vessel was used year-round [based on the rest of the story]: It was hung by a rope, in such a way that it could be lowered [like a pulley] down near the ground when it was to be lit, and then raised up high for the rest of the time it would be providing light.

<sup>10</sup> source's wording: "he moved the rope in his hand so as to raise the vessel."

<sup>11</sup> source's wording: "in the place of the Chanukah 'candle'."

R. Yitzchak Abouhav then writes his *own* position on this:

*The candle-lighting in the synagogue is merely a minhag (which is why we are not concerned that it be by the entrance, but rather it's done before the Aron HaKodesh<sup>\*12</sup>). Therefore, when it comes to that lighting, one should not be so concerned about what onlookers might think<sup>13</sup>. Furthermore, even in the home, we light only for the members of the household nowadays [as discussed above 671:5]; and therefore, one should not be so concerned for "people passing to and fro"; all the **more** so with the synagogue, for after all, all those who come there know that these "candles" are for Chanukah.<sup>14</sup>*

The Magen Avraham mentions this leniency for the synagogue, but concludes that "one *should* be concerned [about this] 'initially'," and it's *that* ruling which the Mishnah Berurah quotes.

### **The development of: *Se'if 2***

#### HAVING THE NECESSARY AMOUNT OF OIL BEFORE LIGHTING

The Rosh<sup>o</sup> (Shabbos 2:7):

*We already learned [above 672:2] about there being a "specification" of the amount of oil which has to be used for Chanukah "candles"<sup>15</sup>.*

*So now we can clarify that: Since "the lighting makes the Mitzvah", one needs to put that amount of oil in "the candle" [i.e. the container to be used] **before** lighting; but if he said the bracha and lit and [only] **afterwards** he added oil until he reached that amount, he was not yotzei his obligation.*

Accordingly, the Shulchan Aruch writes: "**There is someone who holds<sup>16</sup> that since "the lighting makes the Mitzvah," one needs to put oil in "the candle" according to "the specification" before lighting; but if he said the bracha and lit and afterwards he added oil [reaching] up to "the specification" - he was not yotzei his obligation.**

In this case where one is not yotzei, the Mishnah Berurah brings the ruling of those who hold that he lights again without a Bracha<sup>17</sup>.

<sup>12</sup> source's wording: "before the heichal." [Regarding the point he's making, see above in siman 671, se'ifim 5 and 7.]

<sup>13</sup> source's wording: "one should not be so particular because of 'those who come in and those who go out'."

<sup>14</sup> R. Yitzchak Abouhav concludes: "And also, it would seem that since he already lit them in an inappropriate place - it's [considered] like [a case where] 'it went out' - where [the Halacha is that] 'he is not responsible for it.'" [This point seems very difficult to understand.]

<sup>15</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>16</sup> Shulchan Aruch language for a reliable but uncorroborated source.

<sup>17</sup> See the discussion above [within 673:2] by "lighting in such a way that the candle cannot survive" (e.g. where it's windy).

The *Shulchan Aruch* rules in the Halachos of Kiddush (O.C. 271:15): "If the cup [of wine] spills before he drinks even a little bit from it, he brings [i.e. prepares] another cup [of wine] and says the *bracha* on it." The *Mishnah Berurah* there brings that if it turned out that there hadn't been wine in the cup in the *first* place, then it's even worse. However, he also brings that if there was some other wine in front of him that he wanted to use [such as a bottle intended for general drinking], then it's as if he said the original *bracha* on *that* wine, and he should drink some of that wine right away - without any other *bracha*.

*We can ask:* What about by Chanukah candles? If someone said the *bracha*, and then he discovered that the "*menorah*" lacked oil, but there was some other oil somewhere in front of him, should he be allowed to pour from that oil right away and then light, without having to say a new *bracha*?

### The development of: **Se'if 3**

#### CHANUKAH CANDLE-LIGHTING BY A WOMAN

The Gemara (*Shabbos* 23a<sup>1</sup>):

*Now that we say "the lighting makes the Mitzvah":* [Therefore,] if someone who's deaf or insane or a minor lit it - he didn't do anything [i.e. even if an adult set it in place (*Ran*)].

*As for a woman:* She **definitely** lights; for R' Yehoshua ben Levi said: Women are obligated in the Mitzvah of a Chanukah "candle",<sup>18</sup> for they too were [involved] in that miracle.

**[Rashi explains:** For the Greeks decreed upon all virgins who are getting married - that they have relations with the official first; and the miracle was performed through a woman.]

Two points about Rashi's explanation:

- (1) The story he refers to is mainly discussed above (670:2 by "The miracle of the cheese").
- (2) He mentions the women being involved in "being in trouble" and *also* in "the bringing of the miracle itself". In Tosafos (to *Megillah* 4a and *Pesachim*<sup>19</sup> 108b), we see that there is a general disagreement which *one of those two* is the true focus of "they too were in the miracle" (by Chanukah candles [here], the reading of the *Megillah* [O.C. 689:1<sup>20</sup>], and on Pesach night [O.C. 472:14]).

Accordingly, the *Shulchan Aruch* starts the *se'if* by ruling: **A woman does light a Chanukah "candle", for she too is obligated in it.** [The rest of the *se'if* follows the next subject.]

<sup>18</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>19</sup> The Tosafos there also explains two more points: (1) The reason we need the reasoning that "they too were in the miracle" is that otherwise we would apply the Mishnah's rule (*Kiddushin* 29a) that women are exempt from positive time-bound Mitzvahs. (2) The reasoning of "they too were in the miracle" does *not* "work" to obligate women in a time-bound positive Mitzvah which is Torah-mandated (such as sitting in the *sukkah*); rather, it is a reasoning which the Sages use by Rabbinical Mitzvahs.

<sup>20</sup> Where the *Beis Yosef* explains a "practical" effect that results from this disagreement: whether a *slave* has to read the *Megillah*.

The *Mishnah Berurah* writes (quoting the *Magen Avraham*<sup>o</sup>) that the fact that she "does light" means she lights "on behalf of all the members of the household." In the *Sha'ar HaTziyun*, he explains two points that these words can teach us:

(1) Not only does a woman who lives *alone* light for *herself* (which is the basic meaning of the second half of the *Shulchan Aruch's* sentence - that she's obligated), but she can even "cause others to be *yotzei*" with her lighting. This is clear from the Gemara, since by "someone who's deaf or insane or a minor" it's certainly talking about "causing others to be *yotzei*"<sup>21</sup>. (The *Mishnah Berurah* adds: Accordingly, a man can make a woman his representative ["*shaliach*"] to light for him<sup>22</sup>, as long as he is there to hear the *bracha* {and even if he doesn't answer "*amen*" he is *yotzei* - "after the fact"}, and the same is true about a man being a representative for a woman. [See below (676:3) for an analysis of this Halacha, and also see below (*siman* 679) where the *Mishnah Berurah* says the representative says the main *bracha* "...to light a Chanukah candle", but the one being represented can say the rest by themselves.)

(2) It could also mean that *the only case* in which she actually lights is where she is the *only one* in the household who is lighting. The *Sha'ar HaTziyun* brings authorities who say this - that the wife of the household does not light *separately* [i.e. even when doing the "enhancement" of having everyone in the household light (discussed above 671:2<sup>23</sup>)], because "*ishto k'gufo*" ["one's wife is like his own person" - see "Principles"]. (In the *Mishnah Berurah*, he brings the *Olas Shmuel*<sup>o</sup>, who adds that she *can* light {with a *bracha*} if she wants to {in keeping with the *Ashkenazi* practice by positive time-bound Mitzvahs in general<sup>24</sup>}).

Concerning a woman who is away from home, see the Halacha of a "guest" (below 677:1).

The *Mishnah Berurah* also makes reference to another point about women "lighting separately":

In the *Olas Shmuel* (responsum 105), we find that he actually uses a novel reasoning to explain "the *minhag*" [i.e. in Poland] that women did not participate in the "enhancement" of having everyone in the household light. He quotes the above-mentioned Tosafos (to *Megillah* 4a), who holds that "they too were involved" must mean that they "also were in trouble", because (to quote Tosafos): "the language 'they too' implies that they are secondary." The *Olas Shmuel* proposes that at the time of the miracle of Chanukah, the women had *less* trouble than the men, and that the Sages accordingly assigned them a secondary role in the Mitzvah, or at least in its "enhancement".

<sup>21</sup> For with respect to *themselves*, the Gemara already *knew* they are not obligated. After all, if we *don't* know it yet, how does "lighting makes the Mitzvah" prove it? Rather, the Gemara was talking about them trying to use an *act* of theirs to "cause to be *yotzei*" someone *else*.

<sup>22</sup> However, in the *Bi'ur Halacha* he applies here what the Sages said in *Brachos* (20b): "A son can say a *bracha* for his father ... and a wife can say a *bracha* for her husband, but let a curse come upon a man whose wife and children say *brachos* for him". [The main place to discuss *that* is above in the Halachos of *Birkas HaMazon* (O.C. *siman* 186), by the subject of that Gemara.] However, when a man is away from home, there is nothing wrong with his wife lighting for him [as we learn at the beginning of *siman* 677 below], "since the obligation falls chiefly upon the *house*." [Presumably that means that therefore, the Mitzvah "mainly belongs to" whoever is at the head of the house, at the time.]

<sup>23</sup> See also the subject of "Which members of the household are 'included' with the head" (above 671:2, at the end of the *se'if*).

<sup>24</sup> I.e. that this is not considered her saying an inappropriate *bracha*. This is mainly discussed above by the Halachos of *tzitzis* (O.C. 17:2). [The subject of an inappropriate *bracha* is found in the Halachos of *brachos* (O.C. 215:4).]

The *Mishmeres Shalom*<sup>o</sup> (48:2), on the other hand, notes that the early authorities<sup>25</sup> explicitly describe the "enhancement" as calling for "a candle for each and every one [in the house] - *both men and women*." However, he, too, notes that the local *minhag* was that even single girls did not light "separately". He says that "it's possible" to explain that it's improper for girls to light while their own mother does not [which is because of "*ishto k'gufo*", as mentioned]. However, he points out that if a woman and her daughters are *the only ones home*, then *all* of them ought to light (which seems to follow from the *Olas Shmuel's* approach, as well). [We should point out that according to his explanation, *any* women or girls in the household who are not the daughters of the lady of the house should *always* be lighting separately.] He admits that the local *minhag* did not make any such distinction, but he suggests that this was merely due to ignorance.

Interestingly, although the *Mishnah Berurah* makes reference to the *Olas Shmuel's* ruling (that "women" do not have to participate in "a candle for everyone"), the *Sha'ar HaTziyun* implies that he only *accepts* it in the case where the *Olas Shmuel* is *agreeing with earlier authorities*, i.e. wives (when their husbands are lighting).

#### CHANUKAH CANDLE-LIGHTING BY SOMEONE WHO'S DEAF OR INSANE OR A MINOR

We saw in the above Gemara that it is "nothing" (even to "cause others to be *yotzei*" [*Sha'ar HaTziyun*, brought above]). The *Mishnah Berurah* adds that this is "even if others are 'standing over them' - because there's no Mitzvah obligation upon them." [This principle, that someone who's not obligated in a certain Mitzvah cannot "cause others to be *yotzei*", is mainly discussed above in the Halachos of the *shofar* (O.C. 589:1).]

However, the *Beis Yosef* brings the position of the *Ba'al HaIttur*<sup>o</sup>, that a minor who has already reached the stage of "training" ["*chinuch*"] can "cause to be *yotzei*" even an adult (wherever this is the *minhag*)<sup>26</sup>. [The issue here (as explained by the Tosafos brought by the *Beis Yosef* in *siman* 689) is whether someone whose obligation is "doubly" Rabbinical (such as a minor {whose "training" is Rabbinical} lighting Chanukah candles or reading the Megillah {which *even for adults* are Rabbinical Mitzvahs}) can "cause to be *yotzei*" someone whose obligation is "singly" Rabbinical (such as an adult who needs to do one of the above Mitzvahs).]

Accordingly, the *Shulchan Aruch* continues the *se'if* by ruling: **But if someone who's deaf or insane or a minor lit it - he didn't do anything, even if an adult set in place; and "there is someone who holds"<sup>27</sup> [that] in the case of a minor who reached [the stage of] "training" - it's *muttar* [i.e. for him to be the one who lights].** The *Rema* adds: **[On the other hand,] for us [i.e. the *Ashkenazi minhag*] that every member of the household lights separately [as explained above 671:2], [consequently] a minor who reached [the stage of] "training" has to light as well [i.e. because this is "for himself", even if for others he cannot (*Mishnah Berurah*)].**

<sup>25</sup> He cites the *Machtzis HaShekel*, who brings this language in the name of the *Shiltei HaGiborim*<sup>o</sup>. The language of the Rambam is the same, word for word.

<sup>26</sup> The *Beis Yosef* quotes the *Ran*, who supports this with the *Yerushalmi* (*Megillah* 21a): "From then on it has been the *minhag* by the multitude 'to read it' [i.e. to consider a minor to be a valid Reader of the Megillah] in the synagogue."

<sup>27</sup> *Shulchan Aruch* language for a reliable but uncorroborated source.

The *Mishnah Berurah* questions (1) the fact that the *Shulchan Aruch* quotes the *Ba'al HaIttur*, and (2) the addition of the *Rema*:

(1) He brings the later authorities, who point out that the *Shulchan Aruch* himself [in the Halachos of the Megillah (689:2)] rules "anonymously" like those who disagree with the *Ba'al HaIttur*, and this shows that one cannot rely on the *Ba'al HaIttur*'s position here either.

(2) The *Magen Avraham*<sup>o</sup> below (to 677:2) brings from the *Shiltei HaGiborim*<sup>o</sup> that it's *not* necessary to include a minor in the "enhancement" of "a candle for everyone". The *Bi'ur Halacha* here points out that the *Me'iri*<sup>o</sup> says this as well, and the *Bi'ur Halacha* explains the reasoning: "Granted that one is obligated to train him; [however,] that's [only] by something for which there is an obligation from the 'strict Halacha' for an adult; but by this - where even by an *adult* there's no more [to it] than an 'enhancement of a Mitzvah' - by *that* one is not obligated to train a minor." The *Mishnah Berurah* here merely refers to what he writes in the *Bi'ur Halacha*, and then writes: "I hold that for a minor, one need not be so stringent - and it is sufficient that he light just one candle every night [as opposed to adding one more candle each night like an adult does (671:2)], according to everyone [i.e. even according to the *Rema*]." Judging from this, it's not so clear which way he rules. But the *Mishnah Berurah* *there* seems to lean in favor of the lenient position.

Note that in this entire discussion, "someone who is deaf" means a person who is also mute. A deaf person who *can* speak is like a normal person in all respects, Chanukah included (*Mishnah Berurah* at the end of *siman* 670 above).

Concerning a minor's Mitzvah to light, *we can ask*:

(1) The *Shulchan Aruch* rules below [677:2, as explained by the *Mishnah Berurah* there] that if a minor has reached the stage of "training", and he has his own house, then "he has to light". That implies that he does the Mitzvah with its full "enhancement", just as the *Shulchan Aruch* above *described* the Mitzvah (671:2), i.e. he adds another candle each night. Can this fit with the leniency brought by the *Mishnah Berurah* (as just mentioned) that a minor in *someone else's* house doesn't light at all, since his lighting would be a mere "enhancement"?

(2) The *Mishnah Berurah* writes in the Halachos of *kiddush* (O.C. 273 n16) that an adult can say *kiddush* for a minor, even if the adult himself is not being *yotzei* with that *kiddush*. Should the same be true here?

(3) Even if we cannot rely on the position of the *Ba'al HaIttur*, that a minor who "reached training" can "cause an adult to be *yotzei*"; still, couldn't such a minor be honored with lighting the *synagogue* candles, which are not really "causing anyone to be *yotzei*"?

#### SOMEONE WHO IS BLIND

The *Mishnah Berurah* writes: "The Maharshah wrote in a responsum (77) [that] if he [i.e. a blind man] is in a house where others are lighting, and he can 'join together with them [in partnership] with coins' [like some guests, as discussed below (677:1)], and they will say the *bracha* for him [as well] - [then] that's better [than him lighting for himself]; and similarly, if he has a wife - his wife lights for him; [However,] if he's in a separate house - and he doesn't have a wife - he should light 'by himself' through someone else's help; and see the *Sha'arei Teshuvah* [who says] that he should not say a *bracha* - and all the more so [it's clear] that he can't 'cause others to be *yotzei*'."

<sup>o</sup> see Glossary <sup>o</sup> see Bibliography O.C. = volume *Orach Chayim* (of *Shulchan Aruch*, etc.)  
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(Parenthetically, at the end of the *siman*, the *Mishnah Berurah* says the later authorities write that even a "ger" [a convert to Judaism] can say [the *bracha* which has the words] "...who performed miracles for *our* forefathers".)

## **O.C. *siman* 676 : The Order of the *Brachos* and the Lighting**

### **The development of: *Se'if* 1**

The Shulchan Aruch's ruling for *se'if* 1 is quoted at the very end of the *se'if*.

#### THE *SUGYA* OF THE *BRACHOS* OF CHANUKAH CANDLES

The Gemara (*Shabbos* 23a<sup>2</sup>):

**Rav Chiya bar Ashi said in the name of Rav:** One who lights a Chanukah "candle"<sup>1</sup> has to "be *mevareich*" [i.e. say (at least one) *bracha*].

**And Rav Yirmiyah said:** [Even] one who [merely] *sees* a Chanukah "candle" has to "be *mevareich*".<sup>2</sup>

**Rav Yehudah detailed the differences:** On the first day, one who *sees* "is *mevareich*" **two** [*brachos*], and one who **lights** "is *mevareich*" **three** [for there's one *bracha* specifically for the act of lighting, as mentioned soon]. From then on, one who **lights** "is *mevareich*" **two** [*brachos*], and one who *sees* "is *mevareich*" **one**. What *bracha* does he deduct [i.e. cut out] after the first night? He deducts the *bracha* of "time" [i.e. "*shehecheyanu*"].

**The Gemara asks:** Let him [rather] deduct the *bracha* of the miracle [i.e. "*she'asah nissim*"]! [Why is it specifically the *bracha* of "time" ("*shehecheyanu*") that needs to be deducted?]

**The Gemara answers:** There was "[a manifestation of the] **miracle**" on **all** the days. [After all, they lit from the container of oil all eight days. As for the *bracha* of "time" ("*shehecheyanu*"), once He "caused us to reach" the **beginning** of this special time - that is all there is to "causing us to reach it", and reaching the other days does not increase this or add to it<sup>3</sup> (Rashi).]

**What *bracha* does one [who lights] say?** He says the *bracha*: "...who sanctified us with His *Mitzvahs* - and commanded us to light [the] 'candle' of Chanukah".<sup>4</sup>

**The Gemara asks:** Where did He "command us" [this]? [After all, the *Mitzvah* is merely *Rabbinical*! (Rashi)]

**Rav Avya answers that the source is:** The *pasuk*<sup>\*</sup> (*Devarim* 17:11) "You shall not turn away [i.e. act differently from the decisions of the Sages]."

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>2</sup> This case will be explained in *se'if* 3.

<sup>3</sup> Rashi's own wording is merely: "[As for the *bracha* of "time", once He 'caused us to reach' the *beginning* of 'the time', [that's all there is to] 'He caused us to reach'."

<sup>4</sup> When the *Rif*<sup>o</sup> and *Rosh*<sup>o</sup> copy out this line of Gemara, they follow with the text of the other two *brachos*; perhaps that is their version of the Gemara itself.

**And Rav Nechemiah said the source is:** *The pasuk\** (Devarim 32:7) "Ask your father - and he will tell you; your elders - and they will 'say to you' [i.e. direct you]."

#### THE CORRECT WORDING OF THE BRACHOS

The *Yerushalmi* (*Sukkah* 14a) says: "...and commanded us concerning the Mitzvah of ["the lighting of" (version of *Yerushalmi* brought by the *Beis Yosef*)] the Chanukah 'candle'."<sup>5</sup> The *Beis Yosef* brings the *Shibolei HaLekket*, who holds that this is in fact the authoritative version, based on the *sugya\** in *Pesachim* (7b) about which *brachos* read "commanded us *to do*" such-and-such, and which of them read "commanded us *concerning*" such-and-such a Mitzvah. The *Shibolei HaLekket* says that there are two points to be proven from there:

(1) It's impossible to consider the version "*to light*" (from the statement in the *Bavli*) as a clear source about this; because if it were a clear source, the Gemara in *Pesachim* would have quoted it to support the approach that this is the wording of *brachos* in general (just as that Gemara *does* quote *other* such sources, that discuss other Mitzvahs). [However, that is not sufficient reason to *decide* in favor of the version "concerning", since the version "*to light*" is in fact the version *we* find in the *Bavli*, and there *are* authorities (the *Shibolei HaLekket* himself deals with "HaRav R' Yosef") who likewise quote the *bracha* with that wording.]

(2) One clear conclusion from that *sugya* (as explained by the authorities) is that if a Mitzvah can be done by means of a representative ["*shaliach*"], then its *bracha* has to be worded as "concerning".<sup>6</sup> (This point is raised by the *Ran*<sup>o</sup> as well, in *Pesachim*.)

**However**, the *Beis Yosef* decides in favor of "the version of the authorities", which is "*to light*" (and he adds that this is in fact the *minhag*). As for the proof (i.e. part 2), he points out that the *Ran* resolved it, as follows: Since by Chanukah candles, if someone isn't doing the lighting himself, he has to "join together [in partnership] with coins" [see below (677:1), where this is discussed (concerning "guests")], which is "because one can only be *yotzei* [this Mitzvah] through that which is one's own"<sup>7</sup>, consequently such a Mitzvah is *not* considered "able to be done through others."

Separate from all this, there is the issue of the word "*shel*" [to light the candle "*of*" Chanukah]. The *Shulchan Aruch* [quoted soon] does not include it [and that is also the version of the *Ba'al HaIttur*<sup>o</sup> and the *Me'iri*<sup>o</sup>], but the *Mishnah Berurah* rejects that (because the Gemara and all the [other] authorities *do* have the word). The *Mishnah Berurah* also brings the Maharsha<sup>o</sup>, who holds that the words "*shel*" and "*Chanukah*" should be said *together as one word*, but then he brings from the *Pri Megadim*<sup>o</sup> that the *minhag* is *not* to be particular that way. (The *Mishnah Berurah* concludes by writing [a] that the *bracha* of "*she'asah nissim*" ends "in this time" - not "*and in this time*"; and [b] that the end of "*shehecheyanu*" is pronounced "lezman hazeh" and not "lazman hazeh".)

<sup>5</sup> The *Yerushalmi* is discussing whether all *brachos* of Rabbinical Mitzvahs share the "generic" form: "...commanded us concerning the Mitzvah of [the authority of] the elders." The focus is not really whether to use "concerning" or "to" (or whether to generalize with "the Mitzvah of the Chanukah candle" or to specify "lighting" - and **that** is a point about which our *Bavli* was actually fairly clear).

<sup>6</sup> The position of the Rambam is that if a representative ["*shaliach*"] is in fact *not* used, then the *bracha* is worded as "to do". [This is discussed in *Shulchan Aruch* volume *Yoreh Dei'ah* (265:2).] However, the Rambam himself writes that in the case of Chanukah candles, the wording *always* is "*to light*", so he too seems to be ignoring the principle from *Pesachim*.

<sup>7</sup> These words (which are the *Ran*'s) are not found in the *Beis Yosef*'s version of this answer.

Concerning the end of "*shehecheyanu*", the *Pri Megadim* refers to "the great grammar expert R' Shlomo Zalman Henna", who wrote<sup>8</sup> that it's pronounced "*laz'man hazeh*".

On the other hand, Rav Ovadiah Yosef<sup>9</sup> [*Yabia Omer* 3:35] records that "our [*Sefardi*] *minhag*" is to say the first *bracha* without the word "*she!*", like the wording in the *Shulchan Aruch*.

#### SAYING BRACHOS WITHOUT DOING ANY LIGHTING OR EVEN SEEING

The *Me'iri*<sup>o</sup> to *Shabbos* 23a:

**If someone does not have anything with which to light, and isn't in a place where he'll be able to see [any Chanukah "candles" either]:** Some hold that he says the brachos "*she'asah nissim*" and "*shehecheyanu*" by himself on the first night, and "*she'asah nissim*" [alone] on all the other nights; and this appears to be correct.

The basic authorities say no such thing. However, the *Sha'ar HaTziyun* writes that in the case of "*shehecheyanu*", at least, it is possible to reason as follows: "Just like we rule generally [i.e. regarding *Yom Tov*\*] that one can say '*shehecheyanu*' even in the marketplace [i.e. and not only with *kiddush* or candle-lighting]<sup>9</sup>, for it refers to the [day of the] *Yom Tov* itself; [so] it's possible that the same is true for this [case] - that it refers to the time of Chanukah itself, in which miracles and wonders were performed, just that 'initially' they [i.e. the Sages] attached it to the time of [the] lighting." (But even regarding that idea, he concludes that it needs further examination.)<sup>10</sup>

#### IF SOMEONE FORGOT THE BRACHOS

The *Mishnah Berurah* brings from R. Akiva Eiger<sup>o</sup> that if he remembered about the *brachos* before he finished lighting all the candles, then he says *all* the *brachos* at that point [if his first candle is still burning (*Sha'ar HaTziyun*)]<sup>11</sup>; but that if he already finished lighting - *then* he says "*she'asah nissim*" (and "*shehecheyanu*" when that's relevant) [for his situation is certainly no lesser than when someone merely *sees* candles (*Sha'ar HaTziyun*)].

<sup>8</sup> Actually, the *Pri Megadim* himself only makes the reference, and says that the source "is not in my possession."

<sup>9</sup> This Halacha is taken from *Eiruvin* (40b); see also below in *se'if* 3.

<sup>10</sup> It seems possible to make a separate challenge to the idea that the "*shehecheyanu*" refers to "the time itself", as follows: When the first day of Chanukah is Shabbos, we light (and say all three *brachos*) before sundown on Friday afternoon, and then light Shabbos candles afterwards [see below *siman* 679]. But according to the *Me'iri*'s approach, how can we say the "*shehecheyanu*" before Shabbos, when it is *not* "the time of Chanukah" yet? Now, someone might respond that the lighting is considered "accepting Chanukah early" in that case. But how is that possible, since that would automatically mean "accepting Shabbos early" along with that, and then how could we light Shabbos candles afterwards? In contrast, if the "*shehecheyanu*" refers to the *Mitzvah*, then it makes sense - for in *that* case the *Mitzvah* of lighting happens to come before the "holiday" of Chanukah.

<sup>11</sup> The apparent difficulty is that "*Brachos* on *Mitzvahs* are said *before* the *Mitzvah* act" (see "Principles", and *se'if* 2 below). R. Akiva Eiger bases his leniency on a combination of three factors: (1) authorities who hold that one can say a *bracha* even on a mere "enhancement" of a *Mitzvah* (i.e. the "extra" candles), (2) authorities who hold that "after the fact" one can say a *bracha* even *after* doing the *Mitzvah* act, and (3) the idea that it's still considered "*before* doing the *Mitzvah* act" for the entire *duration* of any "ongoing" *Mitzvah*. In conclusion, although in the *Sha'ar HaTziyun* he says the *Pri Megadim*<sup>o</sup> considers the issue doubtful, he himself leans in favor of R' Akiva Eiger (in the case mentioned).

IF SOMEONE DID NOT SAY THE BRACHA OF "TIME" ["SHEHECHEYANU"] ON THE FIRST NIGHT

The Gemara (*Eiruvin* 40b<sup>3</sup>):

[The Gemara has just explained that the words "seven" and "eight" (in *Koheless* 11:2) refer to mentioning Yom Tov\* in a bracha all seven or eight days, and not to saying "shehecheyanu".]

**The Gemara remarks:** This in fact is the only approach that makes sense, because if the words were to refer to saying the bracha of "time" ["shehecheyanu"] - is there then a relevance to the bracha of "time" ["shehecheyanu"] all seven days?

**But the Gemara responds:** That's not a difficulty, [because 'shehecheyanu' in fact is relevant to all seven days,] since if one does not say that bracha "today" [i.e. on the first day of Yom Tov] - he says it on the next day, or on another day [of Yom Tov].

The Tur and *Beis Yosef* bring authorities who say (based on this Gemara) that if someone didn't say "shehecheyanu" on the first night - he says it on the next night (that he remembers to).

The *Mishnah Berurah* brings from the *Levush*<sup>o</sup> that they're only talking about including the "shehecheyanu" at his lighting (of other nights); but once he already lit on a given night, he cannot say "shehecheyanu" that night any more. (Then, in the *Sha'ar HaTziyun*, he explains that the intent of this ruling is merely that the person has to wait and say "shehecheyanu" along with his lighting on a later night *instead*; but if he remembers after lighting on the eighth night, in which case he *cannot* wait for any "lighting on a later night", then the Halacha needs further examination: perhaps *then* we should rely on the approach that "shehecheyanu" refers to the time of Chanukah itself [as discussed just above, by "saying brachos without lighting or seeing"].

Accordingly, the *Shulchan Aruch* writes in *se'if* 1: **One who is lighting on the first night says three brachos: "...to light a Chanukah 'candle'," and "...Who performed miracles" ['she'asah nissim'], and "...Who kept us alive" ['shehecheyanu']; and if he did not say the bracha of "time" ['shehecheyanu'] on the first night, [then] he says [that] bracha on the second night or when he remembers.**

**The development of: *Se'if* 2**

THE ORDER FOR THE SECOND NIGHT

As the Gemara from the beginning of the *siman* said, we "deduct" the bracha of "time" ["shehecheyanu"].

The *Beis Yosef* and *Darkei Moshe* raise an issue: When it comes to Chanukah lighting, how do we apply the principle that "brachos on Mitzvahs are said before the Mitzvah act" [see "Principles"]? The *Darkei Moshe* brings from the *Maharil*<sup>o</sup> that all the brachos are said before even *starting* to light, on *all* nights. Now, below (*se'if* 5) we will see that one argument against adding the candles to one's "menorah" "starting with the left-most position and ending with the right" is that this means each night's *right-most* candle is the "main" one (because in this system it's the "new" one), so that candle *should* be lit immediately after the bracha, but instead one always starts with the left-

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most one [for reasons explained below, in that *se'if*]. However, the *Beis Yosef* brings in the name of *Rabbeinu Yonah*<sup>12</sup> that even though one starts lighting with the "older" candles [which we may interpret to mean the left-most one, as in the above "argument"], nevertheless the second *bracha* (the *bracha* of "the miracle" ["*she'asah nissim*"]) is not said until just before lighting the "newest" candle (since that one, chiefly, is the one that represents the "addition" [of another day] to the miracle). Still, concludes the *Beis Yosef*, although this counters the above "argument" quite neatly<sup>12</sup>, nevertheless<sup>13</sup> it's a little difficult to say that the lighting on the various days is done differently that way; and the *Darkei Moshe* likewise says that one should follow the Maharil.

Accordingly, the *Shulchan Aruch* rules: **From the first night and onward, one "is mevareich" two [brachos]: "...to light", and "...Who performed miracles" ["she'asah nissim"]**. The *Rema* then adds: **And he says all the brachos before he starts to light** [i.e. even *after* the first night].

### The development of: **Se'if 3**

#### THE BRACHA OF "ONE WHO SEES"

As the Gemara from the beginning of the *siman* said, "one who sees" says "*she'asah nissim*", and on the first night he also says "*shehecheyanu*". (The *Beis Yosef* brings from "an *Ashkenazi* responsum" that once someone says "*shehecheyanu*", even if only on "seeing", he does not say it again for the rest of that Chanukah even when lighting, in line with *Eiruvin* (40b) which says that [if<sup>14</sup>] the *bracha* of "time" ["*shehecheyanu*"] is said "out in the marketplace" - [then] one does not have to say it again over a cup [of *kiddush* wine].)

However, not all cases are included in the Halacha of "one who sees", as the early authorities explain:

**Rashi brings<sup>15</sup>:** *This bracha was designated only for someone who did not light by his house yet, or for someone sitting on a ship.*

**The Rashba<sup>15</sup> and the Ran<sup>15</sup> add more conditions:** *...that others did not light for him in his home, and he's not going to light later that night. Otherwise, he does **not** have to say a bracha, for we never find [such a thing as] a case where someone is yotzei [lit. "goes out of"] a Mitzvah - and says a bracha again over "seeing". [And it follows, similarly, that one does not say a bracha over "seeing" if later he is going to be able to say a bracha over "lighting" (Mishnah Berurah).]*

<sup>12</sup> The only reason that the right-most candle is being considered the "main" one is because it's the "newest" - which links it to the "addition" to the miracle. Therefore, it's the *bracha* of "the miracle" ["*she'asah nissim*"] that needs to be said right before lighting that candle (and not necessarily any other *bracha*).

<sup>13</sup> The *Beis Yosef* seems to consider "countering the above argument" a reason that we should accept the position of *Rabbeinu Yonah*. Maybe this is based on the *actual existence* of a *minhag* like what the "argument" is against (see in *se'if* 5 below).

<sup>14</sup> This seems to be the way this Gemara is being analyzed here (i.e. that the "not needing to repeat" can be applied to Chanukah). As for whether "*shehecheyanu*" can be said on Chanukah "even in the marketplace" *itself* (i.e. even *without* seeing candles), see above in *se'if* 1.

<sup>15</sup> source's wording: "in the name of 'Rabbeinu Yitzchak ben Yehudah', that he said in the name of 'Rabbeinu Yaakov'."

The *Beis Yosef* seems to consider all this to be one single approach, and he writes that the Rosh<sup>o</sup> and the *Mordechai*<sup>o</sup> say likewise. The *Gra*, however, says that there is a disagreement: Rashi and the *Mordechai* do not agree that there's no *bracha* on "seeing" for someone who had others lighting for him in his home [and it's a very strong position among the authorities (*Sha'ar HaTziyun*)]. But the *Mishnah Berurah* points out that even if we grant that, it's still "unsafe" to say the *bracha* in that case, since "doubts about *brachos* call for being lenient" [see "Principles"].

The *Shulchan Aruch* includes all of the conditions [as explained], and rules: **Someone who did not light, and is not going to light later that night, and [others] are not lighting for him in his home either: when he sees a Chanukah "candle"<sup>16</sup> - he says the *bracha* "she'asah nissim"; [In addition,] on the first night he also says the *bracha* "shehecheyanu", and if afterwards - on the second or third night - he does light, he does not say the *bracha* "shehecheyanu" again.** [See below (677:3) under the subject "Details about when others light for him at home", where the *Shulchan Aruch* and *Rema* seem to contradict what the *Shulchan Aruch* (and *Mishnah Berurah*) wrote over here - so unreservedly - about that case.]

The *Mishnah Berurah* adds one more condition [to which even Rashi and the *Mordechai* would agree (*Sha'ar HaTziyun*)]: that the "*bracha* over seeing" is not said by someone who "joined [in partnership] with coins" (see below (677:1), where this is discussed {concerning "guests"}) [since it's considered as if he himself said the *bracha* (thus giving thanks for the miracle) when he heard it<sup>17</sup> from *that* lighter (i.e. even if he didn't see the candles at *that* time) (*Sha'ar HaTziyun*)].

The *Mishnah Berurah* then combines the subjects of this *se'if*, as he raises the issue of someone who had others light for him on the first night (so *they* said "*shehecheyanu*"), and on a later night he lights on his own. He writes that since we just ruled that "others lighting at home" is considered as if he himself lit [or at least there's a "doubt" that we should perhaps say that way], consequently the "*shehecheyanu*", as well, is not say "again".

Rav Moshe Feinstein<sup>o</sup> [*Igros Moshe* O.C. 1:190] discusses this *bracha* on "seeing candles yourself":

The position of the above *Mordechai* is that seeing the candles - and then saying the *bracha* which mentions the miracle - is actually an entirely independent obligation. It is on that basis that he holds [as will be discussed below (677:3)] that if someone is in a place where there are no Jews, then he lights with *brachos* even if "they're lighting for him in his home" - in order to fulfill that obligation.

In fact, even though the Rashba and the Ran hold that the *bracha* over seeing is only said by someone who has no one lighting for him [and who isn't lighting himself], they still certainly admit that it is at least a "Mitzvah enhancement" when someone sees candles by himself. After all, otherwise, it would not make sense for there *ever* to be a *bracha* over seeing. The *Pri Megadim*<sup>o</sup> even says they admit that there's an actual *Mitzvah* to see candles.

<sup>16</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>17</sup> In keeping with the principle that "one who hears is considered as if he answers," which is derived in *Sukkah* (38b), and applied in the *Shulchan Aruch* in the Halachos of *brachos* (O.C. 213:2) and in countless places (with many details and complexities).

The Rashba and the Ran merely hold that it is not an *obligation*, or at least not one which is *independent* of the Mitzvah of lighting.

Knowing this, we can explain the "contradiction", that here in *siman 676*, the *Shulchan Aruch* brings the position of the Rashba and the Ran "anonymously", whereas below (677:3), he brings only the position of the *Mordechai* (calling it a position which "some hold"). [See below (ibid.) for how the *Mishnah Berurah* deals with this.] The explanation is as follows: The case *over there* is when someone has reason to actually *light* candles (and his only reason not to light is that he would be *yotzei* anyway with his wife's lighting back at home), so if he *does* light (by "detaching himself" from his wife<sup>18</sup> as we will explain in a moment), it's definitely not a wasted *bracha* (as opposed to here, where the person is *only* seeing, so if the *Mordechai* is wrong then it's a wasted *bracha*). That's why over there, the *Shulchan Aruch* holds that one *should* light in order to see the candles, *just in case* the *Mordechai* (who holds it's *required*) is correct. However, we have to explain why the *Shulchan Aruch* would approve of a husband using "intent not to be *yotzei* with his wife's lighting" in order to light with the *brachos*, since he himself (in the *Beis Yosef*) rejects this mechanism [as explained below (ibid.)], considering it "causing an inappropriate *bracha*." The answer is as follows: The *Pri Megadim* explains that the *Beis Yosef* only rejected this because in general, there is no Mitzvah enhancement at all in the husband "detaching" from his wife. Now, according to what we explained above, that all the authorities agree that there is at least a "Mitzvah enhancement" in a person seeing candles by himself - that explains why the *Shulchan Aruch* endorses "lighting separately" in circumstances where that enables one to see candles.

There is another ramification of saying that the *bracha* which mentions the miracle is like an independent Mitzvah (even according to the Rashba and the Ran). The *Mishnah Berurah* has ruled, citing the *Pri Megadim*, that any time someone has a representative [*"shaliach"*] light Chanukah candles *for* him, the one being represented has to "stand by" at the lighting. The *Mishnah Berurah* says this above (by 675:3) about a woman lighting for a man - so he has to be there and hear her *brachos* - and vice versa.<sup>19</sup> [Note: When discussing a similar case in *siman 679*, the *Mishnah Berurah* writes that the representative says the main *bracha* "...to light a Chanukah candle", but the one being represented can say the rest by themselves (because they can't be less than "one who sees"). However, the point here is that either way, we see that the representative cannot say all three *brachos* *by himself*, in the absence of the one being represented.] Let's analyze this:

We know that the general rule about a Mitzvah being done by a representative is that the representative says the *bracha* of the Mitzvah (and the one he's representing does not even need to *be* there). The proof is that the Mishnah (*Terumos* 1:6) says it's *assur* for a person who is mute to separate *terumah*, because the *bracha* is lost<sup>20</sup>; but it also says (ibid. 4:4) that it's *muttar* to "send out" a representative to separate *terumah*; clearly, the representative will be able to say the *bracha*. The *Magen Avraham* [in the Halachos of Pesach - O.C. 432 n6] explains that this is because even the representative "is doing a Mitzvah." We see from this that the Mitzvah which the

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<sup>18</sup> R. Moshe Feinstein points out that the regular "enhancement" of having "everyone in the household light" would not apply to the husband here, because just as the wife does not participate in that "enhancement" (and light separately) when her husband is at home lighting, because of "*ishto k'gufa*" ["one's wife is like his own person"] as discussed above [see 675:3 and the end of 671:2], the same would apply here in reverse. Rather, here we will be discussing whether it's even *muttar* for him to light separately.

<sup>19</sup> The *Mishnah Berurah* also writes similarly about a "guest" (below 677:1 by the description of "joining").

<sup>20</sup> The Mishnah does not spell out that reason, but it's obvious. Similarly, the same Mishnah says that one may not separate *terumah* under conditions where it's *assur* to say a *bracha*.



representative is doing for someone can be considered as if it is his own.<sup>21</sup> If so, why should we say differently when it comes to Chanukah candles - that the one being represented needs to "stand by" at the lighting?

"The Rav of Riga" has proposed answering this by saying that on Chanukah it's different, because one is obligated to *see* Chanukah candles. But that is not the accepted Halacha. As we discussed above, it's only the position of the *Mordechai* that seeing is an independent obligation, and the *Shulchan Aruch* has decided in favor of those who disagree<sup>22</sup>; so it shouldn't be all that crucial for the one being represented to "stand by" just so he can see the candles!

However, let's analyze what we just learned from the *Magen Avraham* - that a Mitzvah which a representative is doing for someone can be considered as if it's his own. If so, a representative for lighting Chanukah candles can be considered as if he *himself* had a Mitzvah to light Chanukah candles an additional time, on the same night. There is actually a practical example of such a thing. We have learned (above 672:2) about "someone who lit too few candles and wants to fix that": The *Orchos Chayim*<sup>o</sup> said that the person has to light the missing candles now, but he does not need to say the *bracha* again, because the *bracha* that he made at the start was for all the candles he was *supposed* to light. There are authorities who make the obvious deduction: If *at the start* the person only had in mind to light the smaller amount of candles (such as if that's all he *had*), just that afterwards he changed his mind (for example, if someone *gave* him some more candles), so *then* he would have a Mitzvah to light more candles *with* a new *bracha*. [Note: The *Mishnah Berurah* over there cites the *Pri Megadim*, who holds that even *then* there is no *bracha* (see there as to why).] Still, *how many brachos* would he say? Clearly, only the first *bracha* - "...to light a Chanukah candle"! After all, when it comes to the *bracha* which mentions the miracle, we see from the Gemara that even to repeat it *each subsequent night* is only done because "there was [a manifestation of the] miracle on all the days"; so lighting on the *same* night - on the identical miracle - would *not* call for repeating that *bracha*! And *certainly* one does not say the *bracha* of "*shehecheyanu*" more than once! Now, let's apply this back to the case of a representative: Since a representative for lighting Chanukah candles can only say the *bracha* because it's as if he *himself* had a Mitzvah to light Chanukah candles an additional time on the same night, so *that* only enables him to say the *first bracha*!<sup>23</sup> Consequently, since the Sages instituted that the Mitzvah of lighting Chanukah candles should be accompanied by *two* (or three) *brachos*, therefore, the one being represented has to be there; for that way, all the *brachos* will be able to be said, since if the one being represented is listening, it can be considered as if *he* is saying the *bracha* which mentions the miracle (and "*shehecheyanu*"). [Or, as the *Mishnah Berurah* says in *siman* 679, they could *actually* say those *brachos* by themselves (because they can't be less than "one who sees").]

<sup>21</sup> Elsewhere in the same responsum, R. Moshe Feinstein deduces that this is because of "*arvus*", which is the Halachic principle that "all Israel are responsible for one another" (*Sanhedrin* 27b {and 43b}, *Shevu'os* 39a).

<sup>22</sup> R. Moshe Feinstein notes that the Bach<sup>o</sup> says just what "the Rav of Riga" said, but it doesn't help us, since the Bach adopts the position of the *Mordechai* (i.e. *disagreeing* with the *Shulchan Aruch* and the later authorities who accept the position of the Rashba and the Ran), so for *him* it makes sense (but not for "us").

<sup>23</sup> R. Moshe Feinstein explains that if the representative would light his own candles first, then he would have to leave out the other *brachos* when he's "representing"; and if he did the "*representing*" first, then he would have to leave out the other *brachos* when he lights his *own* candles. [He does not address a possibility that the representative could be someone who, for some reason, is not lighting candles of his own at all. This is also the place to ask: If someone says the *bracha* "over seeing", and ends up lighting later that night, does he say that *bracha* again, because now he's being obligated through a different kind of "activity"??]

A separate point which we need to understand about the *bracha* which mentions the miracle, which we can say even over "seeing" alone, is whether it's linked to the *Mitzvah* that's done with the candles. Concerning the lighting of Chanukah candles in the synagogue, the authorities write [see above 671:7] that although normally no one is *yotzei* his own *Mitzvah* with that, nevertheless, since the person who lights in the synagogue says the *bracha* of "*shehecheyanu*", consequently if he lights at home afterwards - then he generally cannot say that *bracha* a second time - but apparently he *does* repeat the *bracha* which mentions the miracle. I hold that this cannot be true; rather, both points should depend on the above-mentioned issue: If we say that the Sages only instituted that the *bracha* which mentions the miracle be said over candles which are *a fulfillment of the Mitzvah* (when lighting them or when seeing them), then I understand why the synagogue lighter repeats that *bracha*, since the synagogue lighting is a mere *minhag* (and not the real *Mitzvah*); but then we should say the same about "*shehecheyanu*"!<sup>24</sup> [Note: the *Mishnah Berurah* above *does* accept the authorities' distinction.]

However, it does make sense that the *bracha* which mentions the miracle should depend on the candles being a fulfillment of the *Mitzvah*.<sup>25</sup> This is relevant for someone who will not be lighting at all on some night, who says this *bracha* when he sees such candles; according to the above, he would *not* say it over seeing the candles in the synagogue.

[In line with this, *we can ask*: Would one say "the *bracha* of one who sees" when seeing candles lit by a minor? (See above 675:3 and below 677:2 about a minor's "obligations".) What about candles that have already burned for the required amount of time?<sup>26</sup> (See above 672:2 {by "the amount of oil to use"} about what it's already *muttar* to do with the candles then.) Finally, what if the one seeing is *incapable* of doing any lighting at the time; for example, if he sees the candles on Shabbos?]

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<sup>24</sup> R. Moshe Feinstein points out a possible resolution of these authorities' distinction: They could hold like the reasoning which the *Sha'ar HaTziyun* suggested above in *se'if* 1 (under the subject of "saying *brachos* without lighting or seeing"), that "*shehecheyanu*" is not really linked to the *Mitzvah*, but rather relates to the day, and so that's *not* repeated; whereas this is *not* true of the *bracha* which mentions the miracle. However, the *Sha'ar HaTziyun* (as mentioned there) does not accept this conclusively; and R. Moshe Feinstein himself sharply opposes it.

<sup>25</sup> R. Moshe Feinstein points out that the *Tosafos* (to *Sukkah* 46a) gives three reasons why a *bracha* over "seeing" was instituted over Chanukah candles specifically (as opposed to a *sukkah* for example): (1) because of "love of the miracle", (2) for the sake of those who have no house and cannot light by themselves, and (3) because the *bracha* was *already instituted* to be said at the lighting. According to the first reason, it *could* make sense that one would say the *bracha* even over non-*Mitzvah* candles, lit for mere "publicizing of the miracle".

<sup>26</sup> It would seem difficult to believe that one has to "catch" the candles within their first half hour in order to say a *bracha* over seeing them. On the other hand, our *Gemara* didn't even mention the candles' still being *lit*; so it does seem that the Sages left it to us to understand when a candle is *considered* "a Chanukah candle".

The development of: **Se'if 4***"HANEIROS HALLALU"* ["THESE CANDLES"]

Right after the *bracha*, it says in *"Tractate Sofrim"*<sup>27</sup> (20:6):

**Then one says** [*hyphens join what's one word in Hebrew*]: *These "candles"*<sup>28</sup> [*"ha'Aylu"; Rosh's version: "hallalu"*] *we light over the-salvations* [*"haYeshu'os"; Rosh's version: "haTeshu'os"*] *and-over the-miracles and-over the-wonders which* [*"asher"*] *You-performed for-our-forefathers by means-of Your-kohanim that-are-holy* [*"haKedoshim"*]; *and-all the-eight days-of Chanukah - these "candles"* [*"they" (Tur<sup>o</sup>)*] *are-holy, and-there-is-no permission for-us to-make-use of-them - but-rather only to-see-them; in-order to-give-thanks* [*"and-Hallel-praise" (Tur)*] *to-Your-Name* [*"that-is-great" ("haGadol") (Tur)*] *over Your-wonders and-over Your-miracles and-over Your-salvation* [*"yeshu'asecha"*].

[In *Tractate Sofrim* it says that after this, one says the *bracha* of *"shehecheyanu"* and then *"she'asah nissim"*, but we have already seen that the authorities put *"she'asah nissim"* before *"shehecheyanu"*, and the Tur says that *"HaNeiros Hallalu"* is after lighting.] The Rosh [and the *Hagahos Mordechai*<sup>o</sup> (B.Y)] says the Maharam<sup>o</sup> (of Rottenburg) followed this practice [of saying *"HaNeiros Hallalu"*] (and the Tur says that the Rosh himself did so as well).

Accordingly, the *Shulchan Aruch* rules: **After one has lit, he says: "These 'candles' we light over the salvations and over the miracles and over the wonders", etc.**

The *Magen Avraham*<sup>o</sup> writes (in the name of the Maharshal<sup>o</sup>): After one has lit the first candle [which is the basic obligation (*Mishnah Berurah* - see above 671:2)], he says *"HaNeiros [Hallalu]"* [and he finishes the lightings while saying it (*Mishnah Berurah*)]; and there should be thirty-six words besides the first two words - a hint to the number of candles (1+2+3+4+5+6+7+8=36) [as if to say: "These candles (are) thirty-six" (*Mishnah Berurah*)]. But after the *Mishnah Berurah* quotes this<sup>29</sup>, he brings from the *Pri Megadim*<sup>o</sup> that saying it after *all* of one's lighting is also just fine.

(In the *Sha'ar HaTziyun* he brings, that to get thirty-six words, one should not say "these candles - they are-holy." [This means one should skip the added "they" of the Tur. Based on the text above, even after we omit the other two "additions" of the Tur as well {i.e. "and-Hallel-praise" and "that-is-great"}, there are still thirty-nine words. I found two ways to shorten it by two more words: {1} by explaining that just like the words "these candles" at the *beginning* aren't part of the "count", similarly the repetition of those words in the *middle* doesn't count either, or {2}

<sup>27</sup> The Chida<sup>o</sup> brings from the Ramban<sup>o</sup> [and the *Me'iri*<sup>o</sup>] that there are seven "minor tractates", and *"Tractate Sofrim"* is one of them. He brings from the Rosh<sup>o</sup> that it's from [shortly] after the Gemara, and he himself defends that position by pointing out that *Amora'im* (even later ones) are brought in it.

<sup>28</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>29</sup> The *Mishnah Berurah* also quotes the *Magen Avraham's* own addition, that the *eight* letters of the words *"haNeiros Hallalu"* hint to the *eight* days of Chanukah.

the *Sefardi* version - which ends with "over Your-miracles and-Your-wonders and-Your-salvation" without the two "over"s in between. Finally, to remove the one last word, instead of saying "which You performed" with *two* words {"*asher asisa*"} as in *Tractate Sofrim*, one could say it in *one* word {"*she'asisa*"} - which is indeed the more widespread version found in *siddurim*.)

Rav Moshe Shternbuch<sup>o</sup> (*Teshuvos VeHanhagos* 1:394) on more about what to do right after lighting:

In a manuscript from the author of the *Chavos Ya'ir*, he writes that it's appropriate to stay by the candles to rejoice, and one should not light them and then go elsewhere. According to him, the most proper way to do the Mitzvah is to stay by the candles for a half hour [see above (672:2) that this is the standard amount of time that the candles are supposed to burn], and that's an excellent source for those who have the *minhag* to stay by the candles for some time, and to sing "*zemiros*" [i.e. songs to Hashem].

[This is also an appropriate place to quote the *Kitzur Shulchan Aruch*<sup>o</sup>: "One should tell his household the story of the miracles which were performed for our forefathers in these days."]

### The development of: **Se'if 5**

#### THE ORDER OF THE LIGHTING (WITH RESPECT TO HOW THE CANDLES STAND BY THE ENTRANCE)

The *Mordechai*<sup>o</sup> (*Shabbos* 2:267) writes:

*It says in Zevachim (62b): Any time you [have to] turn - it should only be toward<sup>30</sup> the right.*

*Therefore, when the Maharam<sup>o</sup> (of Rottenburg) would light his "candles"<sup>31</sup>: He would begin [lighting] on the left side [i.e. with his left-most "candle"], and then turn toward the right side [i.e. finishing his lighting with the right-most "candle"].*

The *Beis Yosef* brings that the *Maharik*<sup>o</sup> expands on this as follows: If so, then one should use the right-most position of his "*menorah*" for the candle of the first night (and then add the position "one over to the left" for the second night, and so on). Why? Because "the added [candle] represents the miracle - since the *addition* of days added to the miracle," and the lighting begins after finishing the *brachos* [see above *se'if* 2] (one of which is the *bracha* of "the miracle" ["*she'asah nissim*"]). So this way, the lighter proceeds immediately from the *bracha* to "the candle of the miracle", because now *that* will always be the left-most one. (In contrast, if he used the *left-most* position on the first night {and added each night "one over to the right"}, then every night the *brachos* would be followed by lighting the original candle of the first night - since that one is on the left.)

<sup>30</sup> A more precise translation of the original might be: "in the way of the right."

<sup>31</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

Then, the *Beis Yosef* brings the analysis of the *Terumas HaDeshen*<sup>o</sup> (106):

**The Minhag of the people of Austria** seems to contradict the Maharam and his Gemara: They begin on the right side [i.e. lighting the right-most candle first], and light in the direction that we Jews<sup>32</sup> write [in Hebrew - from right to left].

**My solution (1):** It's possible that they consider this approach "turning toward the right" [i.e. the exact opposite of how the Maharam understands the Gemara - as explained further below].

**My solution (2)** (i.e. even if their approach is **not** considered "turning toward the right"): Nowadays in most places (and in the vast majority of the Jewish world), even by Torah scholars - they don't have mezuzahs in the "winter house" in which they light<sup>33</sup>. [In order to make sense of what follows, we must understand that when they lit in those days **inside** the "winter house", they generally would arrange the candles along the wall that's adjacent to the doorway, and only the "first" candle was "right by the doorpost" - so the others were gradually getting farther and farther from the entrance.] If so, the Halacha is (in keeping with the first subject of 671:7 above) that they have to light on the right side of the "entrance" way [i.e. from the point of view of someone going **in**<sup>34</sup> (which the person lighting - who's on the inside facing **out** - would call "the left side of the doorway")], next to the tefach\* nearest to the entrance<sup>35</sup>. As a result, the candle which is opposite his right is always the closest to the entrance - and **that's** where he has to start from, for **that's** the main candle of the Mitzvah - for it would have been enough just to light that one (if he hadn't wanted to be one of the "enhancers" ["Mehadrin"] (see above 671:2)). The Maharam, on the other hand, **had** a mezuzah by his entrance, and consequently he had to light on the left side of the "entrance" way [i.e. the **right** side as he faces **out**], and therefore the "candle" closest to the entrance was always opposite his left [and that's why **he** started **there** (so according to **this** solution, the Austrians and the Maharam do **not** disagree)].

**Now one might ask [challenging solution (2)]:** If so, why does the Maharam need the Gemara's reason ("turning" toward the right)? The above reasoning should have been enough!

**But one can answer:** The practical effect of the Gemara's reason would be as follows: If the "candles" were arranged from the side of the entrance [sticking out in a line] toward the wall that's opposite the entrance (such as if the entrance were on the eastern side of the room - and the "candles" were arranged from east to west), then, because of the Gemara's reason ("turning" toward the right) - he needs to face **south** (and to start with the "candle" that's closest to the entrance - which is then on his **left**), not to face **north** (and start with that same "candle" - which would then be on his **right**).

To summarize: **The position of the Maharik** [and the most straightforward understanding of the *Mordechai*] is that "the candles are added to the *menorah*" from right to left - and each night's lighting proceeds from left to right. **The Terumas**

<sup>32</sup> source's wording: "that we - the people of the covenant - write".

<sup>33</sup> See the *Darkei Moshe* quoted at the end of *siman* 671, that this was the universal (*Ashkenazi*) practice in that period.

<sup>34</sup> The *Terumas HaDeshen* uses the word "*k'nisah*" here to describe the entrance (unlike in the rest of the Halachos of Chanukah, where "*pesach*" is used - which literally means "opening"), to show he means the right side going *in*. He chose that point of view because the Gemara itself did [as brought above 671:7].

<sup>35</sup> Above (671:7), we see that this is the correct place for the candles; the *Terumas HaDeshen* (as mentioned over there) holds that this applies "even for 'us' who light indoors". (In the responsum, he cites the *Mordechai* as his source for this.)

**HaDeshen's solution (1)** holds that the lighting proceeds from right to left [which according to the *logic* of the Maharik should call for "adding the candles to the *menorah*" from left to right], and **the Terumas HaDeshen's solution (2)** holds that the lighting always starts with "the one candle which is within a *tefach* of the entrance" (so that the above two positions about "turning toward the right" are only relevant to someone deciding *on which side of the candles he will be standing* when he lights).

The *Beis Yosef* writes that he holds the Maharik is correct, and he ends by saying, "and this is likewise our *minhag*." The *Darkei Moshe's* conclusion is the same (as he brings that it's also the position of the Maharil<sup>o</sup>).

Accordingly, the *Shulchan Aruch* rules: **One should begin lighting on the first night with the right-most "candle"; and on the second night, when he'll add one "candle" next to it, he should start with - and say the *bracha* over - the added one, which is the left-most, in order to "turn" to the right; and similarly on the third night, when he'll add another one next to the first two "candles", he should start with the added one - and with it he should start the *bracha*, and afterwards he'll "turn" toward the right; and the same goes for every night; [consequently] it comes out that one always says the *bracha* over the added one - which represents the miracle, since as the days increased - the miracle was increased.**

A number of the later authorities do not accept this decision:

**The Gra** rules like the *Terumas HaDeshen's* solution (2). (He argues as follows: How could it be that "a person should abandon the main Mitzvah - the *tefach* nearest to the entrance - because of 'turning toward the right'?" As for the Maharik's reason of joining the *bracha* to the "added candle", the *Gra* points out: "That's only [relevant] for the 'Mehadrin of the Mehadrin!'") On the other hand, **the Levush<sup>o</sup>** rules like the *Terumas HaDeshen's* solution (1). (He argues that it's not for naught that we write [Hebrew] the way we do, and he says that the way a *kohen* walks around the top of the *mizbayach*<sup>\*</sup> {from the ramp at the south to the south-east corner, etc.} also shows that one always *starts off* in the direction of the right hand side of his own body, and he adds that this is also a person's nature.)

**The Taz<sup>o</sup>** agrees with the Levush, and he responds to the argument of the *Gra* by pointing out that one can avoid the issue of "the nearest *tefach*" with the arrangement mentioned at the end of the *Terumas HaDeshen*<sup>36</sup>, having the *menorah* "stick out" (so one can "contrive" his "turning to the right" by means of which side of his "*menorah*" he stands on, and he can still begin right by the entrance). (The *Bi'ur Halacha* explains that the *Shulchan Aruch* himself simply *rejects* the whole approach of going after the "closest to the entrance", but he writes that in practice, if someone wants to follow the *Shulchan Aruch's* position and *also* to act in a way that deals with the *Gra's* argument, he too could have his *menorah* "stick out" [similar to what the Taz just said]. In the *Mishnah Berurah*, too, he writes that it would be "good and pleasant" if one could accomplish this; however, he brings a *different* way

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<sup>36</sup> The *Magen Avraham<sup>o</sup>* says that the Maharshal<sup>o</sup> proposed arranging the candles "lengthwise, like a spit, so they'll all be equal concerning 'the *tefach* nearest to the entrance'." (The Maharshal's *own* position for this *se'if* is brought soon.) The Taz, when responding to the *Gra's* argument, advocates arranging "like the Maharshal wrote" (the *Gra* rejects the idea out of hand), and seems to explain it as being identical to the arrangement at the end of the *Terumas HaDeshen*.

out, which is to arrange *all* the candles within the space of the entrance itself<sup>37</sup>. He points out that someone who does that will have to be careful not to open the door and bring in the wind - which could blow out the candles [see below 680:1] - during the half hour that the candles have to burn [as discussed above 672:2].)

As for a Halachic ruling, the *Mishnah Berurah* adds to the *Shulchan Aruch* by bringing the *Gra's* position, and he does not choose between them (but rather writes that "whatever you do - you're covered"); and then he refers to the Taz whom he brings in the *Bi'ur Halacha* (where he writes that the Taz is also "not to be pushed aside" [more details on that soon]). Finally, in the *Bi'ur Halacha*, he writes that all this is merely a discussion of *the most proper* order, but there is no difference between the approaches as far as *the basic fulfilling of the Mitzvah* goes.

In the *Sha'ar HaTziyun*, he says that the Maharshah *himself* holds like the *Gra*. It's just that for someone who wants to be "particular", he proposed setting up the *menorah* "lengthwise", as the *Magen Avraham* and the Taz bring.<sup>38</sup> In addition, after the Taz brings that Maharshah, he adds *another* way out (in case the former isn't possible): "He should arrange them against the wall in a line - from the right side of the entrance [from the point of view of someone *inside*, which is the *left* side of the "entrance" way from the point of view of someone *outside* - i.e. he's talking about where on the *right* side there was a *mezuzah* (*Bi'ur Halacha*)], and even though the other candles that he'll add will not all be in the *tefach* nearest to the entrance - there's no concern in that, since the *first* candle [i.e. that of the first night] is in that *tefach* - [that's] enough; and every night he should start [lighting] with the added one - that's [on] the right - which is [the side that naturally stands] prepared before a person, and he should light afterwards [all the way] until the candle which is next to the entrance<sup>39</sup>." (The *Bi'ur Halacha* only brings this way out<sup>40</sup>.)

Then, the Taz points out that in order to avoid "bypassing a Mitzvah" [see "Principles"], *only* the first candle (which he'll be starting with) should be at the lighter's right. (From the *Bi'ur Halacha* and *Mishnah Berurah*, we see that this is done by choosing where to stand.) The *Mishnah Berurah* writes that one should be careful about this issue according to *all* the approaches.

Turning back to the *Gra*, is there *any* application of "turning toward the right" that he would apply in the case of Chanukah candles? After all, in general, he holds that one has to start with the candle closest to the entrance, and from there one will have to proceed naturally, so as not to "bypass a Mitzvah"! However, if someone has his *menorah* "sticking out" (so he can stand on either side), or if he's not lighting by an entrance at all (which is the next subject), we *will* need to know how he understands "turning toward the right" - like the Maharam or like the Levush? In fact, the *Mishnah Berurah* implies that someone who wants to follow the *Gra* will choose the Maharam's explanation. [Perhaps that's because the only early authority behind the Levush is the *Terumas HaDeshen's* solution (1), and the *Terumas HaDeshen* himself only said it to explain the Austrian *minhag*, so since the *Gra* accepts solution (2) as the explanation of the Austrian *minhag* - consequently there is no more basis for saying differently than the Maharam.]

<sup>37</sup> In the *Sha'ar HaTziyun*, he says that his source said this in the name of the Maharshah, which would seem to indicate that *he* understands *this* way from those same words of the Maharshah (brought in the footnote above).

<sup>38</sup> See the above footnotes.

<sup>39</sup> This is the corrected version of the Taz. (Some printings read "next to the wall", which does not fit.)

<sup>40</sup> Perhaps he understands that the *Gra* totally rejects the "sticking out" arrangement [explained above].

[*We can ask*: How should all the above be applied for someone lighting outdoors? And what about someone who is left-handed?]

#### WHAT ABOUT WHEN SOMEONE ISN'T LIGHTING BY AN ENTRANCE AT ALL?

The *Mishnah Berurah* works it out: According to the *Shulchan Aruch*, the system is the same (since he always "ignored" the entrance), and according to the *Gra*, whichever candle was lit on the first night will come first [the *Gra* indicates that he considers *that* to be the "main Mitzvah"<sup>41</sup>], so that should be in the left-most position of one's "*menorah*" [in order to fulfill "turning toward the right" (*Sha'ar HaTziyun*)]. (Furthermore, the *Mishnah Berurah* says this is also true for someone lighting "within the space of the entrance itself", and apparently that he means to say that the candles are *all* in the "nearest *tefach*".) In the *Sha'ar HaTziyun* (n21), he explains that according to the above, in the synagogue, where the candles are added to the "*menorah*" from east to west [as explained in "more about positioning for the synagogue lighting" in 671:7 above] - so one should stand *south* of the "*menorah*" facing *north* according to the *Shulchan Aruch* (so that everything will work out as was just mentioned), and *north* of it facing *south* according to the *Gra*.

The Taz writes that in the synagogue, "he should always start with the added candle." Now, since his position is that one does the *lighting* from right to left, he must mean here that one adds the candles to the synagogue "*menorah*" from left to right. And he writes this right after saying that the candles have to be arranged from east to west. This seems difficult: The lighter could stand south of the "*menorah*" - facing north, so the east will be to his right, which means adding the candles from right to left, and then in order to light from right to left he'll be starting with "the first night's candle" and *not* with the extra one! This could prove that the Taz holds like the Maharik and the *Shulchan Aruch*, that the best candle to be lit right after the *bracha* is the *added* one (unlike the *Gra* who holds it's the *original first one* as mentioned above). If so, this would explain why the *Bi'ur Halacha* says that according to the Taz, in *any* case where one lights "not by an entrance" (like in a window or "within the space of the entrance itself"), one adds the candles into his "*menorah*" from left to right [so everything is done in *the exact mirror image* of the *Shulchan Aruch's* system].

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<sup>41</sup> As opposed to the Maharik, who emphasized lighting the "added candle" first because it represents the "extra day to the miracle" which the *bracha* of "the miracle" [*she'asah nissim*] relates to.



**O.C. *siman* 677 : The Halachos of a "Guest" concerning Chanukah Candles****The development of: *Se'if* 1**

The Shulchan Aruch's ruling for *se'if* 1 (with Rema) follows the development of five subjects:

THE BASIC PRINCIPLE OF BEING A "GUEST" ON CHANUKAH (i.e. the difference in whether one is married)

The Gemara (*Shabbos* 23a<sup>1</sup>):

**Rav Sheishes said:** A "guest" is obligated in the Mitzvah of a Chanukah "candle".<sup>1</sup>

**R' Zeira explained:** At first, when I was in yeshiva<sup>2</sup>, I would "join [in partnership] with coins"<sup>3</sup> with my host. After I got married [and sometimes I was a guest in order to learn Torah (Rashi)], I said: "Now I certainly don't need to 'join', because they're lighting for me in my home."

The *Mishnah Berurah* brings from the Maharshal<sup>o</sup> that for one to be *yotzei* because "others are lighting for him", it depends on his own *knowledge* that they're doing that (i.e. the objective fact of them *doing* it is not enough by itself), because without that knowledge - the automatic assumption is that he only wants to be *yotzei* with his own lighting, "and so by natural consequence, the Rabbinical decree is applied to *him*." (In the *Sha'ar HaTziyun*, he brings the implication of the *Terumas HaDeshen*<sup>o</sup>, that it is sufficient even if all he knows is that his wife or household *know the Halacha* "that the wife must light in her home - because the Mitzvah is incumbent on who[ever] is [actually] in the home." In any case, the *Mishnah Berurah* concludes with the position of the *Magen Avraham*<sup>o</sup>, that one does not say a *bracha* when he lights because of the Maharshal's stringency.)

[The following sub-subjects need to be clarified: Whom are we calling a "guest"? How does he "join"? In what circumstances could there be "suspicion", if a guest wouldn't light on his own? These subjects will be discussed next. (In addition, more details about "others lighting for him" will be in *se'if* 3.)]

It should be noted now, that it's very possible to say that any guest *can* light "separately"; i.e. the idea of "joining" or "falling back on the household" could mean only that this is all he's *obligated* to do.

*We can ask:* Does the idea that "they're lighting for me in my home" only work between a wife and a husband? (It certainly seems that either way, if the one "back home" is anyone other than a spouse, then the one "away from home" will have the "enhancement" of "everyone in the household lighting separately" [see above 671:2]). Also: Does it work when the spouses are far enough apart to have a significant time-difference between them? [i.e. what if when it's *night* where *one* is, it's *day* where the *other* is?]

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>2</sup> source's wording: "the house of the teacher".

<sup>3</sup> source's wording: with "*perutos*" (which are small coins; see below under "what is this joining?").

## WHO IS A "GUEST"?

The *Mishnah Berurah* writes (here and also above [see the end of 671:2]) that anyone who is permanently "eating at the head of the household's table" [i.e. they are provided for by him] (like a boarder or servant) is *automatically* included in the household and does not need to "join". (Of course, that's only referring to the basic one-candle-per-night obligation, but everyone certainly lights separately if they want to do the "enhancement" of "a candle for each household member" [again, see above 671:2].) Accordingly, the Halacha of a "guest" is referring to someone who is *not* "eating by him" in a permanent way, and that is why the guest is *not* part of "a candle for a man and his household" (without the "coins"). However, in the *Bi'ur Halacha* and *Sha'ar HaTziyun*, he brings (and supports somewhat) the position of the *Pri Chadash*<sup>4</sup>, that anyone with any aspect of being a guest at all<sup>4</sup> has to "join" [the *Bi'ur Halacha* backs this especially strongly with respect to yeshiva students at least, but on the other hand, above (671:2) he does not mention the *Pri Chadash's* stringencies at all].

The *Bi'ur Halacha* brings a disagreement about two independent "householders" who share one common-room residence; some hold they can "join" together (just like guests "join" with their hosts), and some hold they have to light separately (i.e. and the leniency of "joining" was only granted to someone who's *really* just a "guest").

If someone eats in one place and sleeps somewhere else, we will see soon that the eating place is considered where he's living, and therefore he can have the Halacha of a "guest" *there*. However, the *Mishnah Berurah* writes that this is only if he is eating there on a regular basis [for example, if has no "real home" of his own, or he does but it's in a distant city]; but if someone is merely eating by someone else "now and then" - and he has a *true* home in the same city - then he is obligated to light in his true home. (The *Mishnah Berurah* explains that if he has a wife who's home anyway, then he could ask her to do the lighting and represent him, but "Mitzvahs are best done by oneself and not a representative" [see "Principles"].) On the other hand, he refers to the *Bi'ur Halacha*, where he adds (from the *Pri Chadash*): "But if he and his entire household are going to the house of his father or his father-in-law [to live there] in a permanent fashion for the eight days of Chanukah, [then] the issue is clear: Since he is dining and sleeping there all the days of Chanukah - even if during the day he eats at home in a 'momentary' way - [still] he lights only by the house in which he eats and sleeps at night [which apparently means he's a 'guest' there]; for since there isn't a [single] person at home - for whom would he light [there]? - and all the more so 'nowadays that it's recognizable [basically only] for the members of the household' [see above 671:5]."

To summarize: (1) Anyone who is *permanently* "eating at the head of the household's table" does not *need* to "join" (except according to the *Pri Chadash*, who holds that anyone with *any* aspect of being a guest has to

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<sup>4</sup> I do not have a clearer description for this. It seems clear that family members living at home are obviously not "guests", and the greatest "innovation" of the *Pri Chadash* is to consider as a "guest" a son who at least *sleeps* away from his father's house. On the other hand, we will see soon that where one sleeps is not considered to be an indicator of where one lives at all. A suggestion: Perhaps the *Pri Chadash* is referring to (1) someone who *shows signs* of considering "somewhere else" as his "home" [and *that* would be the significance of the son sleeping elsewhere], or (2) anyone who is totally independent from the "head of the household" *financially*. [If so, then even when a foster child is not fully adopted (for example, the public may still be responsible for the child in some respects - some perhaps even concerning the child's support), nevertheless the *Pri Chadash* may agree that the child would not have to "join", as long as nowhere *besides* his foster parents' house could be considered a "real" home for him (thus proving that *this* must be his only real home), and the child is also not completely independent financially.]

"join"). (2) If two "householders" share a room, they might *have* to both light (and not just "join"). (3) Someone "eating by someone else" is only a "guest" if he's there on a regular basis - but if it's merely "now and then" he is obligated in *somebody* lighting candles in his *true* home. (4) If an entire household "goes away" for all of Chanukah, then even if their home is used for "momentary" eating during the day, their obligation is still only by their "host" [i.e. they are "guests"].

In the contemporary world, there are a number of kinds of "guest-like" arrangements, such as students studying away from home, hospital patients, and hotel lodgers. There are two main aspects to be discussed about them: First of all, in many cases, the "guest" eats in a different room (if not in a different building) from where he sleeps; how *that* affects where he lights is discussed below after the subject of "if someone is 'only eating' by a friend." The second major aspect is that so far we have only discussed being a "guest", whom the house does not belong to at all, or "sharing" a room, where both partners are complete owners; but what is the Halacha where payment is being made in exchange for the living space (and food<sup>5</sup>)?

So the Maharsham<sup>o</sup>, in a responsum (4:146), writes that if someone paid for a cabin on a train (on which he's riding through the night on Chanukah), then he has to light there, "because it's considered that he has rented a home for himself." It sounds like he's saying that this makes the person like an owner, as far as Chanukah candles go. [Actually, that case involves the issue of whether Chanukah candles can only be lit by a place which is considered a "house". The Maharsham mentions that Rashi implies that one does not light on a ship [as quoted above (676:3)], which seems to be no different than a train, but he points out that Rashi could be referring to a ship with no *roof*. (It also seems that one could hold Chanukah candles *don't* need a "house" at all,<sup>6</sup> and Rashi may be referring to a case where it's too windy {or dangerous} to light on the ship.)]

Note: Even if "renting is considered owning," it has to be clear whether the agreement between the school/hospital and whoever is paying for it is really comparable to renting. On the other hand, even if "renters are only considered like guests," perhaps "guests" have to light on their own if their "host" is in fact not there lighting in person (such as if the "owner" lives elsewhere or is non-Jewish or the like, as is common in such cases).

[Two *minor* aspects of these cases: (1) Maybe a "guest" doesn't need to light if a *parent* (or even a different family member) lights for him at home! (This was mentioned after the previous subject.) (2) Even if such a "guest" is *not obligated* to light (because of the above), it still could be appropriate for him to light anyway, because of "suspicion" (based on what we learn below by the subject "other aspects of suspicion").]

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<sup>5</sup> This is not to imply that one could be considered anything more than a guest, just by merely paying for his food. [One authority (the "*Gan HaMelech*", ~1700) even holds that R' Zeira (from our Gemara) paid for his food, and that the only reason he had to formally "join in partnership" was because he always paid for his food in an itemized fashion, whereas if a "guest" pays a lump sum for "all expenses of hosting me", then the "partnership" for the Chanukah candles is *automatic*. (The *Mishnah Berurah* ignores this position.)] Our point is merely that once one is paying for his living space, then payment for the food might *also* be a factor.

<sup>6</sup> [See the *Orchos Chayim*<sup>o</sup> quoted below in *se'if* 3; and see the footnote near the "end of the responsum" of R. Moshe Feinstein (above 676:3), where Tosafos in *Sukkah* is cited.] Note: If a "house" is not needed, then we will need to know what conditions in fact *are* required.

Rav Shmuel Vosner<sup>o</sup> (*Shevet HaLevi* 8:158) discusses lighting on one's day of departure itself:

I have no doubt that the Halacha depends on where one's residence is when the time for lighting Chanukah candles arrives. As far as the Halacha is concerned, it makes no difference if he is going to be leaving for elsewhere that very night - or even if he is going to be leaving right away.<sup>7</sup>

[*We can ask*: Does this apply even if one is moving to a new permanent residence, and the movers start taking his furniture (etc.) to the new place before the lighting time? In addition, what if someone gets married on a Chanukah evening, and the bride and groom are therefore permanently leaving their previous homes, but when the lighting time comes - they are at the wedding hall? (Lighting at the wedding hall itself should depend on the mechanics of a place where one is "only eating", discussed below.)]

#### WHAT IS THIS "JOINING"?

The Rambam says it means to join [in partnership] "in the oil", and the *Shulchan Aruch* clarifies [as quoted soon] that this in turn refers to "the oil of the Chanukah candle". Still, what exactly is done? So, the *Mishnah Berurah* quotes "anonymously" the position that all that's necessary is for the "guest" to become a partner in the oil (monetarily), either by paying for it (at least a "*perutah*"<sup>8</sup>, as our Gemara implies), or by the "host" granting it to him [using one of the valid methods of acquiring (*Sha'ar HaTziyun*)].<sup>9</sup> He also brings a position that [in addition to the above<sup>10</sup>], beyond the regular amount of oil which the "host" would use (such that it will burn for the right amount of time [see above 672:2]), he has to add some more because of his guest [but a little is enough - he doesn't have to *double* the necessary amount (*Sha'ar HaTziyun*)]. (In the *Bi'ur Halacha*, he adds that one such "act of acquisition" is enough in order to "join" for all eight days.) Finally, the *Mishnah Berurah* brings from the later authorities that the "guest" has to hear the *brachos* of the lighting. [The *Mishnah Berurah* brings a similar Halacha above (675:3); see above (676:3) for an analysis of it.]

#### A "GUEST" WHO HAS "HIS OWN SPACE"

The Rambam concludes the Halacha of a "guest" with the words: "And if he has a house of his own, [then] even if 'they light for him in his home'<sup>11</sup> - [still] he has to light in the house he's in, because of the passersby." The Tur<sup>o</sup> says the same thing, except that he calls it "if he has an *open entrance* of his own" (and he clarifies the point that for such a person, "joining" is not enough). The *Beis Yosef* explains all this with the reason "because of suspicion", which is

<sup>7</sup> R. Shmuel Vosner adds that "nowadays", when one can light with a *bracha* even late at night [as explained above 672:2], then if someone expects to reach his "true" home later that night, it could be that he should in fact wait until that point to light. [The *Aruch HaShulchan*<sup>o</sup> says the same thing about someone "without a house" (the issue we mentioned in the middle of our previous paragraph), who expects to reach a "true" home later that night.]

<sup>8</sup> The *Shulchan Aruch* (volume *Even HaEzer* 27:10) quotes the Rambam's definition of the value called "*one perutah*", and that is the value of pure silver with the weight of a half a grain of barley.

<sup>9</sup> In the *Bi'ur Halacha* he mentions a kind of "partnership" which is *not* usable here - a deal that one of the two partners will light one day [i.e. with oil that is entirely his own], and the other will light the next day, and so on back and forth.

<sup>10</sup> The *Magen Avraham* brings this stringency from the Bach, who makes it very clear that it's "in addition".

<sup>11</sup> The *Sha'ar HaTziyun* writes that there's a disagreement about this point in the *Me'iri*<sup>o</sup>, but he says that obviously one cannot rely on the lenient position against the Rambam and the Tur.

something we have already learned about above (671:8), under the heading "lighting by every entrance because of suspicion." (In the *Sha'ar HaTziyun*, he points out that over there, one does not have to be concerned about "suspicion" if the "other entrance" [i.e. the one that already has a Chanukah candle] faces the same direction as the "extra" one. To address this, he explains in the *Mishnah Berurah* that here it's different - and suspicion can result even in *such* a case, since people hear about the fact<sup>12</sup> that the "extra" room *does* "belong" to a separate person [i.e. the "guest"].) [Note: There is more to come about "guests" lighting separately because of "suspicion".]

The *Bi'ur Halacha* mentions the case of a guest who does not have an entire "room" - but rather just a "corner" - and in that corner he has his own private entrance. The Halacha about this case would seem to depend on the different wordings of the Rambam [who required a "house" (which can't mean less than a room)] and the Tur [who only mentions the entrance]. The *Bi'ur Halacha* brings a disagreement, and does not give a clear ruling.

#### IF SOMEONE IS "ONLY EATING" BY A FRIEND

The *Beis Yosef* brings from a responsum of the Rashba<sup>o</sup> (1:542) that someone who is "only eating" by a friend has the obligation of a "guest", - no more [i.e. the "eating place" is considered "where he really lives", so his "sleeping place" is exempt from lighting] and no less [i.e. he *does* have to "join" - see above by "who is a 'guest'?" regarding conditions for this]. (He brings in the name of the *Orchos Chayim* that the same goes for an independent<sup>13</sup> son eating by his father, and a son-in-law by his father-in-law, "when they do not have a home such that 'they' [i.e. the households of their "own homes"] might light for them.")

On the other hand, the Tur<sup>o</sup> writes in the name of the Rosh<sup>o</sup> that such a person has to light in the "sleeping place" because of "suspicion".<sup>14</sup> [Note that he does not disagree about the "main living place" being where one eats.] The Tur continues to quote: "And even for us (for we light indoors - and presumably the members of the courtyard know that he eats somewhere else), there's still 'suspicion', because the [more remote] neighbors pass to and fro in front of the [sleeping] house's entrance - and they see that he does not light."

The *Darkei Moshe* already explained above [in 671:8 under the subject of "nowadays"] that in the Tur's times "suspicion" was still relevant *only because there was still some visibility to passersby*, but in his own time lighting was in the "winter house". Consequently, here too he says that "nowadays" even the Rosh could agree that the above "suspicion" does not apply. Accordingly, after the *Shulchan Aruch* rules like the Rosh [as quoted soon], the *Rema* writes that the *minhag* is to follow the position of the Rashba (not to be concerned for "suspicion" anymore). The *Mishnah Berurah* writes that the later authorities indeed agree with the lenient reasoning of the *Darkei Moshe*. [This may of course not apply to *our* "nowadays", as noted above (671:8).]

<sup>12</sup> This logic resembles that of the *Kol Bo*<sup>o</sup>, discussed above (by 671:8).

<sup>13</sup> I.e. "he's not 'eating by' his father's table." [If his father *is* providing for him (in a permanent way), then he is included in "one candle for a man and his household" except according to the *Pri Chadash* (*Sha'ar HaTziyun* - see above by "who is a 'guest'?").]

<sup>14</sup> The *Mishnah Berurah* points out that "suspicion" calls for lighting in the "sleeping place" regardless of how permanent his presence in the "eating place" is.

So the complete ruling of the *Shulchan Aruch* for *se'if* 1 is: **A guest for whom others are not lighting "at home" has to give a "perutah" to the householder [who is "hosting" him] to join [in partnership] with him in the oil of the Chanukah "candle"; [On the other hand,] if he has an open entrance of his own - [then] he has to light by his entrance, even if that "house" is only set aside [for him] for sleeping - and he eats at the table of the householder [who is "hosting" him], and the same goes for a son who is eating by his father. The *Rema* adds: [However,] some hold that nowadays - when we light totally indoors - he lights [only] in the place where he eats, and that's the *minhag*.**

As we began discussing above (by "who is a guest?"), students studying away from home, hospital patients, hotel lodgers, etc., in many cases eat in a different room (if not in a different building) from where they sleep. The issues about whether such "guests" need to light *at all* were mentioned above; the question *here* is: Assuming they *do* light, *which place* is appropriate?

(1) Rav Yitzchak Yaakov Weiss<sup>o</sup> [*Minchas Yitzchak* 7:47] says that the principle of "following the place of eating" comes from the Halachos of *Eiruv* [for example, see O.C. 370:5], and he shows (at length) that there is no proof from there that the principle applies when the two "places" are in the same building.

Given that, he says that students whose eating place and sleeping place are in the same building should not have to light in their dining room; rather, he says, they should light wherever the candles will be seen more (because that publicizes the miracle better). [We ourselves can suggest that the same should apply to the other, similar, cases we're discussing.]

(2) Rav Moshe Feinstein<sup>o</sup> [*Igros Moshe* O.C. 4:70:3 & Y.D. 3:14:5], possibly based on similar reasoning, says they should light in whichever place is "more set aside for the individual" [i.e. probably the sleeping quarters, and in cases where one room is shared, preferably by the individual's own bed].

(3) Rav Moshe Shternbuch<sup>o</sup> [*Teshuvos VeHanhagos* 2:343] reports a ruling that the preferred choice is to light in the "sleeping place" - but also to eat one or two meals there so that it can be considered his "eating place" as well; and he also brings a different authority who ruled that the "eating place" is indeed always the place to light.

[(4) As we learned above (671:5), the most basic place to light is at the outer *entrance* to the residence. The above rulings seem to assume that one cannot light there. Perhaps they are talking about areas where *no one* lights outdoors [see above *ibid.*]. Alternatively, it could be that one cannot light at the entrance of a building if that entranceway is not part of "his residence" at all. In that case, in the case of a school, if the financial arrangement is such that the students are considered (at least technically) to be "joint owners" of the entire *building*, then perhaps they *should* light outdoors.

Of course, *all* the above is assuming that the locations mentioned have been deemed safe for lighting candles, by the relevant supervising authorities.]

#### OTHER ASPECTS OF "SUSPICION"

As mentioned, the Rambam expresses concern only by someone who has "his own space" (and that's how the *Shulchan Aruch* and *Rema* rule [as quoted above]). However, the *Magen Avraham*<sup>o</sup> brings the Maharil<sup>o</sup>, who says that "nowadays that we light indoors" [as discussed above 671:5], *all* guests have to actually *light* to prevent "suspicion"

<sup>o</sup> see Glossary    <sup>o</sup> see Bibliography    O.C. = volume *Orach Chayim* (of *Shulchan Aruch*, etc.)  
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[because the household sees this person (who is not part of "one candle for a man and his household", as explained under "who is a 'guest'?" above) - and they wonder why they do not see him lighting<sup>15</sup>]. In addition, the *Darkei Moshe* writes in the name of the *Mahari Veil* that nowadays everyone does the "enhancement" of having everyone in the household light [as explained above 671:2], and consequently anyone who does less than that is also cause for "suspicion", which would similarly obligate all guests;<sup>16</sup> but the *Darkei Moshe* himself rejects that, because the *Sefer HaMinhagim* says that one can "join" even "nowadays".

Now, the *Bi'ur Halacha* points out that the Maharil's saying that "our lighting indoors" is a reason for *more* "suspicion" seems to be the exact opposite of the reasoning of the *Sefer HaTerumah*<sup>o</sup> [brought above 671:8] that "our lighting indoors" is a reason for *less* "suspicion". Therefore, he finds the *Rema* here difficult, because if he holds like the Maharil then he should write here to be *more* stringent "nowadays" (i.e. even for "guests" with *no* "space of their own"), and if indeed he rejects that [as would seem clear from what he said in the *Darkei Moshe*] and holds instead like the *Sefer HaTerumah* [like he in fact ruled above], then why doesn't he write here that "nowadays" there is no concern of "suspicion" (i.e. even by "guests" who have an *entirely* separate room of their own)?

In practice, in the *Mishnah Berurah* he quotes the *Magen Avraham's* "compromise", that one only needs to be stringent if he does have "a room of his own".<sup>17</sup> But the *Mishnah Berurah* *himself* writes that if the "guest" has a candle, it's more correct for him to *always* be stringent and light separately - rather than to "join"; and it's certainly better to light separately - even just a single candle<sup>18</sup> - than to rely on "others lighting for him at home" (since that would also create the complication of possible having to say the *bracha* of "seeing" [discussed below in *se'if 3* - see there]).

#### SAYING BRACHOS WHEN LIGHTING BECAUSE OF "SUSPICION"

The *Mishnah Berurah* writes that in a case where "even without the suspicion" he would have had to "join", then once he's lighting on his own (even though *that* is only because of "suspicion") he's clearly *not* "joining", and therefore his lighting is the only thing that's accomplishing his Mitzvah, so he can say the *bracha*. Conversely, in a case where someone would not have needed to do *anything* "if not for the suspicion" - because "others are lighting for him at home", the *Mishnah Berurah* brings a position that his lighting is considered "only because of suspicion" -

<sup>15</sup> The *Mishnah Berurah* implies that the reasoning of "nowadays we light indoors" only creates "suspicion" for someone relying on "others lighting for him at home," and not for someone who "joins" with the host. It seems that such a reading is only possible after the *Bi'ur Halacha* points out that the Maharil himself actually wrote *two* reasonings (as explained in a footnote below) [so then the *other* reason can be why he rejects "joining"]. Still, I have not seen anyone who holds in *practice* that "nowadays", having "others light for him" creates "suspicion", but to "join" does not.

<sup>16</sup> Actually, the *Magen Avraham* says that the *Mahari Veil's* reason is "our lighting indoors" (like the Maharil's reasoning, and *not* like what the *Darkei Moshe* says the *Mahari Veil* said). The collected "Halachos of the *Mahari Veil*" (31) confirms the *Magen Avraham's* version. Ironically, the *Bi'ur Halacha* points out that from the Maharil's writings [responsum 145 and "*Minhagim* of Chanukah" no. 8], we see that *he* "adds" the reasoning that "nowadays everyone in the household always lights." In any case, it seems clear that the *Darkei Moshe* intends to reject *any* reason for "all guests needing to light" - in favor of the *Sefer HaMinhagim* which says clearly that one can "join" even "nowadays".

<sup>17</sup> In the *Bi'ur Halacha*, he brings one explanation that here the phrase refers to "a separate eating room" even *without* a "separate entrance", but he does not clearly adopt that explanation.

<sup>18</sup> The wording implies that in this case, even the trouble of *getting hold of the candle* is called for.

so he does *not* say the *bracha* [like what we learned above in 671:8] (and in the *Sha'ar HaTziyun*, he makes it sound like a "doubt about *brachos*" [see "Principles"]).

#### IF MANY PEOPLE LIVE TOGETHER IN ONE COURTYARD

The Tur<sup>o</sup> writes in the name of "Rav Sar Shalom" [one of the *Gaonim*]:

*In the case of many people who live in one courtyard: The strict Halacha is that they join [in partnership] in the oil, and they are all yotzei with one "candle". However, as an "enhancement" of the Mitzvah, each one lights for himself by the entrance of his house. [On the other hand,] if someone opens a [separate] gate for himself - he is **obligated** to light [there], because of "suspicion".*

[The authorities do not seem to deal with this subject; I don't know why.]

#### The development of: **Se'if 2**

##### "A MINOR WHO HAS REACHED [THE STAGE OF] 'TRAINING' LIGHTS"

The *Beis Yosef* quotes the *Orchos Chayim*<sup>o</sup> as saying those words - and as explaining: "because it's a Rabbinical Mitzvah."

Accordingly, the *Shulchan Aruch* rules: **A minor who has reached [the stage of] "training" has to light.**

The *Mishnah Berurah* analyzes this: According to the ruling of the *Shulchan Aruch* himself [above 671:2] that a family only lights one "*menorah*" by their home's entrance - consequently the "minor" he's referring to *here* must have a residence of his own. On the other hand, according to the *Rema* (that "everyone in the household lights"), it should follow that if a minor is obligated in the Mitzvah - then he, too, will light separately (*even in one house* that he lives in together with his parents), and the *Rema* in fact ruled that way [above at the end of 675:3]. However, the *Mishnah Berurah* concludes by mentioning the position of the *Shiltei HaGiborim*<sup>o</sup> and the *Me'iri*<sup>o</sup> - that it is *not* necessary to include a minor in the "enhancement" of "a candle for everyone". So here, he seems to lean in favor of that lenient position [but see further by 675:3, where this was also discussed in the *Mishnah Berurah* and *Bi'ur Halacha*].



The development of: **Se'if 3**

DETAILS ABOUT WHEN "OTHERS LIGHT FOR HIM AT HOME"

The *Beis Yosef* quotes the following three authorities:

(1) The *Mordechai*<sup>o</sup>:

**Even though** if "others light for him at home" then he does not have to light on his own, he still needs to **see** a Chanukah "candle"<sup>19</sup>, as we see from the Gemara's statement [brought above at the beginning of *siman* 676]: "One who sees - on the first day he says two brachos and from then on he says one." Similarly, "the *Ri*" says that the *minhag* of people who go to the trade fair (in a city where no Jew lives) is to light in the house of the non-Jew [where they stay]<sup>20</sup>.

(2) The *Orchos Chayim*<sup>o</sup> [the *Beis Yosef* brings R. Yitzchak Abouhav<sup>o</sup> as quoting him]:

**In the case of someone who goes to a village where there are no Jews, and stays there overnight on Chanukah:** We heard that the *minhag* of "haRav R' Meshulam" was to light with a bracha, even if he had no house of his own, as a commemoration of the miracle. [The *Darkei Moshe* says the *Kol Bo*<sup>o</sup> says this as well.]

[Likewise,] **someone who is traveling on a boat, or is in a house of non-Jews:** He [too] lights with brachos, and he puts the candle on his table. This is not comparable to a "guest", about whom we say that "if they're lighting for him in his home he doesn't have to join [in partnership]," because there it's different - for there is a publicizing of the miracle [anyway] in the lighting of his "host".

(3) The *Terumas HaDeshen*<sup>o</sup>:

**If a married "guest" wants to light with a bracha as an "enhancement":** That's just fine [as long as he has in mind - before the time of his wife's lighting - that he doesn't want to be *yotzei* with her lighting (*Mishnah Berurah*)].

The *Beis Yosef* disagrees with the *Terumas HaDeshen*, and says not to rely on his words "to make an unnecessary bracha." [The subject of an inappropriate bracha is mainly discussed in the Halachos of brachos (O.C. 215:4).] Other than that, he does not object to these sources for a "guest" whose wife is back home "lighting anyway" for the *other* reasons given above. The *Darkei Moshe*, on the other hand, agrees even with the *Terumas HaDeshen* (and he says that the *Maharil*<sup>o</sup> and the *minhag* are also on his side), and he even brings an authority who says the *minhag* is that *all* such "guests" *should* light on their own [perhaps because of the "other aspects of suspicion" (discussed above in *se'if* 1), and also to take into account the position that they would have to say a bracha regardless - because of "seeing"].

Accordingly, the *Shulchan Aruch* rules: **Some hold that even if "they're lighting for him in his home", [still,] if he is in a place where there are no Jews, [then] he lights with brachos.** The *Rema* adds: **Because he is obligated**

<sup>19</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>20</sup> Since his source is the Gemara about the brachos, it seems clear that the *Mordechai* means that these people can even say a bracha.

to see the "candles"; and this is [in fact] the *minhag*; [Furthermore,] even if he is among Jews and sees the "candles" - [there is still a basis for saying<sup>21</sup> that] if he wants to be stringent with himself and to light on his own, [then] he may light [his own "candles"] and say the *bracha* over them, and that [too] is [in fact] the *minhag*.

Note that there are two levels here: (1) "Voluntarily" lighting on one's own with a *bracha* (based on the *Terumas HaDeshen* - which requires intent not to be *yotzei* otherwise [as mentioned]), and (2) Being *obligated* to say a *bracha* because of seeing (based on the other two sources - which do *not* mention having any special intent). The *Gra* points out that regarding level (2), the *Shulchan Aruch* [above 676:3] already brought the position of the Rashba<sup>o</sup> and the Ran<sup>o</sup> "anonymously" - that one *cannot* say a *bracha* over "seeing" if "they're lighting for him at home" (*not* like our Mordechai)! The *Mishnah Berurah* points out that regarding the *Shulchan Aruch* himself this is not so hard to deal with, because all it means is that his words "some hold" here are not to be taken as *authoritative*; on the other hand, the *Rema* - who "*rules*" like this "some hold" - is really contradicting what he accepted quietly above!<sup>22</sup> In practice, the *Mishnah Berurah* writes that one in fact may *not* say a *bracha* in such a case, unless he adds in the leniency of level (1) - i.e. he has *especially in mind*<sup>23</sup> not to be *yotzei* with his wife's lighting.

On the other hand, as far as level (1) itself goes, the *Mishnah Berurah* mentions that the *Beis Yosef* is stringent about it, and concludes that therefore it's better to do one's lighting in a way that takes this into account, meaning either (1) to hear the *brachos* from someone else (and have in mind to be *yotzei* with them, and answer "*amein*"), or (2) to arrange that his own lighting (where he is) should take place *before* his wife's lighting (at home). And in the *Bi'ur Halacha*, he brings the *Chayei Adam*<sup>o</sup>, who says that someone traveling until late at night should not rely totally on his own lighting; rather, he should make sure his wife lights at home on time. (The *Chayei Adam* says he shouldn't say a *bracha* [i.e. even if he manages to light *before* it's too late for a *bracha* - see above 672:2]; rather, he at most should hear a *bracha* from someone who *clearly* can say one. The *Bi'ur Halacha* says that's because he holds like the *Beis Yosef* [which seems difficult: even the *Terumas HaDeshen* {who is lenient} requires "having in mind not to be *yotzei* with her," and this man *cannot* have that in mind - because of the timing issue!<sup>24</sup>].)

The above-quoted *Mordechai* and *Orchos Chayim* indicated that the *normal* obligation of lighting does *not* apply to someone who is among non-Jews, with no house of his own. *We can ask*: Which part is the main reason? Are they saying that the regular Mitzvah is only for someone with "his own house" [an issue we mentioned above by "who is a

<sup>21</sup> These words were added "to make sense" out of the *Rema*'s ending - "and that is the *minhag*".

<sup>22</sup> In the *Sha'ar HaTziyun*, he brings the resolution of the *Ma'amar Mordechai*<sup>o</sup>, that above (676:3) the "guest" is among Jews, so he can see candles *without doing the act of lighting* (which is the most important Mitzvah act), and that's why the *Shulchan Aruch* said there that there's no *bracha*; but over here, since due to the lack of Jews, the "guest" *must* do an act of *lighting* (in order to be able to see); over *that*, the *Shulchan Aruch* admits that there *is* a *bracha*. The *Sha'ar HaTziyun* comments that this is difficult to accept, and one certainly cannot rely on it.

<sup>23</sup> source's wording: "unless he'll say". [Presumably that means to "have especially in mind".]

<sup>24</sup> A "forced" answer could be that the man only has in mind to be *yotzei* with his wife's lighting "on the condition that he in fact arrives too late," but as for the possibility that he'll manage to light on his own - in *that* case he never wanted to be *yotzei* with her at all.

guest?", in the middle of a paragraph], or that the regular Mitzvah is only for someone whose candles will be seen by other Jews [see the *Mishnah Berurah* and *Sha'ar HaTziyun* cited above (672:2), under the subject of "the end of the lighting time for nowadays"?<sup>25</sup>

[For more about the issues of this *se'if*, see the analysis brought above (676:3).]

### The development of: **Se'if 4**

#### THE LEFT-OVER OIL AND WICKS

The Midrash (*Tanchuma* to *Naso* {chapter 29} and *Pesikta Rabasi* {beginning of section 3}):

*If a Chanukah "candle"<sup>26</sup> had oil left over in it on the first day, [then] one adds a bit to it and lights it for the second day. If it [had oil] left over on the second day - [then] one adds to it for the third day and lights it; and so on for the other days. However, if it [had oil] left over on the eighth day - [then] one makes a significant fire for it ["and burns it" (Pesikta & the authorities' version)] by itself. Why? Once it was set aside for the Mitzvah - it's assur to make use of it.*

The *Beis Yosef* says that the *Mordechai*<sup>o</sup> brings this Midrash (and that the *Rosh*<sup>o</sup> brings it in the name of the [Gaonic] *She'iltos*); and it's also brought in *Tosafos* (to *Shabbos* 44a). [The *Tur*<sup>o</sup> says the same about the wicks as well.<sup>27</sup>]

However, there are difficulties with this Halacha, as discussed by the *Ramban*<sup>o</sup> (to *Shabbos* 21b):

(PROBLEM #1) [*The Rif*<sup>o</sup> said (as discussed above 672:2 by "the amount of oil") that the *Gemara's* words "as a {time} specification" tell us that it's muttar to make use of the light of a Chanukah "candle" - or to put it out - once it has burned for the "specified" amount of time.]

*That should prove that if a "candle" had oil left over in it, [then] it's muttar - even by the first day itself - to use the left-over oil<sup>28</sup> (unlike the above [which he brought in the name of the Gaonim]). For once we say that it's muttar to make use of its light [i.e. after "the time"] even while it is still burning<sup>29</sup> - [then] all the more so [it's clear] that it's muttar if it goes out!*

*One might answer by saying that these words [of the *Gemara* and the *Rif*] are only said about "oil which went beyond the specification" [i.e. the lighter put in extra oil, and the **extra** is muttar after the time*

<sup>25</sup> Actually, even if the obligation itself applies even to someone whose candles won't be seen by *anyone*, we still need to know whether publicizing the Chanukah miracle to *non-Jews* is really considered "publicizing" it, because that will decide whether there's any preference for someone living among non-Jews to light *in the window* (as discussed above in 671:6). **R. Moshe Feinstein**<sup>o</sup> [*Igros Moshe* O.C. 4:105:7] says it's not considered "publicizing" at all (and so does R. Moshe Shternbuch<sup>o</sup> [*Mo'adim U'Zmanim* 2:141], as quoted above in 672:2).

<sup>26</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the *Gemara*, earthenware "lamps" were used; his full description is brought above (671:3). In any case, the reference here is clearly to the container inside of which the oil burns (so oil can be "left over in it").

<sup>27</sup> The *Beis Yosef* brings such a version from the *Ran*<sup>o</sup> as well, but it's not clear that the *Ran* himself *rules* like our Halacha at all [as we see soon]. The *Kitzur Shulchan Aruch*<sup>o</sup> (139:20) does rule that the wicks are to be included in our Halacha.

<sup>28</sup> source's wording: "it's muttar even by the first day - *even to put it out* and to use the left-over oil." The words we left out seem difficult to fit into the *Ramban's* argument clearly.

<sup>29</sup> source's wording: "even while it's still burning *like its Mitzvah* [is to burn]". The intent of the words we left out seems unclear.

passes (Beis Yosef's version)]; but if it went out **during** its time period [so it's the **necessary** amount which was "left over" (Beis Yosef's version), for example if he **only put in** that amount (Mishnah Berurah)] - **then** it's assur forever, for it was set aside for the Mitzvah.<sup>30</sup>

(PROBLEM #2) **We can still ask:** Why isn't it comparable to **Shabbos candles**, where everyone agrees that the left-over oil is muttar after Shabbos [as seen in O.C. 265:3 and 279:1]?

**However, the answer is:** Because **that** oil is "made use of" even in the duration of its Mitzvah [itself], because that's what it's there for from the start; consequently, the Halacha of "being assur to benefit from" does not "rest on it" [i.e. become applicable to it].

**The truth of the matter is:** I would not have thought so [i.e. that by Chanukah it's any different], because the only reason a Chanukah "candle" becomes assur while it's lit is out of disgrace to the Mitzvah [as explained above 673:1]; therefore, once it goes out, it's logical that it should then be muttar, for its Mitzvah is already complete.

(PROBLEM #3) **One might also ask:** Why are "candles" different from **sukkah decorations** - which are only considered "set aside for the Mitzvah" **during** Sukkos, and are Muttar afterwards [as is explicit in Shabbos (22a)<sup>31</sup>]?

**Actually, it's clear why that's different:** In that case, **from the start** he placed them there only for the holiday Mitzvah, and his mind is [still] on them for afterwards. Conversely, a person does not sit waiting for his **candle** to go out [i.e. expecting to have left-over oil to use!]<sup>32</sup>

**So if it's a tradition - then we'll accept it, and we will say that once one puts in oil and sets it aside such that it be used up through the Mitzvah - it becomes assur to him forever as if he "dedicated it to Heaven" [i.e. vowed to donate it for Sanctuary use].**

The Beis Yosef says the *Ran*<sup>o</sup> holds that problem #1 is in fact a contradiction (i.e. the Rif cannot agree with our Halacha "of the *Gaonim*"), but the Rosh<sup>33</sup> and the Tur *do* rule like our Halacha (though they *also* ruled like the Rif). Accordingly, the Beis Yosef brings the same answer that the Ramban wrote (but in the name of the *Hagahos Maimonios*<sup>o</sup>, who says it more "confidently"<sup>34</sup>). He also brings a different answer from R. Yitzchak Abouhav<sup>o</sup>, that normally *all* of the oil becomes *assur*, and the Rif only means that if someone originally *had in mind* that he intends to dedicate to the Mitzvah only the *required* amount of oil, *then* the rest of the time (and the oil) is *muttar*.

<sup>30</sup> The Ramban actually rejects this answer, saying "and I do not hold [of] this," but that does not seem to affect his conclusion.

<sup>31</sup> It seems that this question is strengthened by the fact that in the same Gemara which says one may not "hold money out toward Chanukah candles" [quoted above 673:1], the Halacha of *sukkah* decorations being "set aside" on Sukkos is brought as a parallel source!

<sup>32</sup> In *Shabbos* (46b), the Gemara says R' Shimon holds that left-over Shabbos oil is *muttar* even *on Shabbos*, because "a person sits and waits for his candle to go out." The Ramban's approach here is that *we*, who do *not* rule like R' Shimon about that, hold the *opposite*. In *Tosafos* (to *Shabbos* 44a), it says that *even R' Shimon* agrees in the case of a Chanukah candle, because "its main purpose is not for pleasure - but [rather] to publicize the miracle, [so] because of how dear the miracle is [to him] - he does not wait for it to go out, but rather he sets it aside completely for the Mitzvah."

<sup>33</sup> The Rosh does not say explicitly that the Halacha follows "the *Gaonim*", but if he understood that it's a disagreement [and he only means to bring "the *Gaonim*" as an "additional" position], he would have written the two statements near each other [for contrast] (*Beis Yosef*).

<sup>34</sup> Others say that this answer is in the above *Mordechai* itself. Furthermore, the Beis Yosef says that the above solution to problem #3 is found in *Tosafos* (to *Shabbos* 44a), and that the above solution to problem #2 is found in the *Ran*.

Accordingly, the *Shulchan Aruch* starts the *se'if* by ruling: **What's left over on the eighth day - of the oil needed for the specified amount of burning [time] - one makes a significant fire for it and burns it by itself, for it was set aside for its Mitzvah.** [The rest of the *se'if* follows the last subject of the *siman*.]

On the other hand, see above [672:2 by "the amount of oil to use"], where we learn that the *Mishnah Berurah* says it's best to take R. Yitzchak Abouhav's approach into account as well. (In addition, in the *Bi'ur Halacha* here, he brings that it's possible for the oil to be *assur* even if someone "set aside" *more* than necessary "by mistake"; i.e. if he thought that what he used would last only the required amount, but actually it lasted longer).

*We can ask:* (1) When dealing with the issues of "lighting from one candle to another" (above *siman* 674), we discussed whether we can be lenient about lighting candles of a "different Mitzvah" (such as Shabbos candles) from Chanukah candles. How would we approach the parallel question here: Should it be *muttar* for left-over oil from Chanukah candles to be used to light Shabbos candles?

(2) It says in Tosafos (*Sukkah* 45a) that the concept of being "set aside for a Mitzvah", which makes it *assur* to eat an *esrog* on the seventh day of Sukkos, applies to the *esrog* of a minor as well. Should the same apply to the left-over oil in a minor's Chanukah "*menorah*"?

#### CAUSING THE OIL TO BECOME ASSUR BY MERELY "PREPARING IT IN ADVANCE"

The *Mishnah Berurah* above (673 n21) says that "preparing it in advance" is nothing [because it's not more stringent than a *sukkah* - about which the *Rema* (O.C. 638:1) already ruled leniently (*Sha'ar HaTziyun*)], until the definitive act (of lighting) is done. [The *Bi'ur Halacha* here, on the other hand, only rules leniently about "extra oil left in a pitcher" (which could have been *assur* according to R. Yitzchak Abouhav if we were concerned about such a "preparing in advance"), which seems to imply that being poured into the "*menorah*" in fact *can* make it *assur*.]

#### SAVING THE ABOVE OIL FOR NEXT CHANUKAH

When the Tur<sup>o</sup> brings the Halacha of the left-over oil (in the name of the Maharam<sup>o</sup> of Rottenburg), he continues: "It's also *assur* to keep it around for the next year's Chanukah 'candle', because we are concerned [that] he may eventually come to derive benefit from it - once he is keeping it around for [such] a long time." Now, one *could* have thought that there would be a way around this: putting the oil into a "repulsive container", as it says in *Pesachim* (33b) [about *terumah* oil which became impure - see "oil that is to be burned" in 673:1 above]; but the Tur continues to say that even *then*, "we are [still] concerned." The *Mishnah Berurah* explains why: because one still might light with it, whereas in *Pesachim* it's talking about using the oil for *eating* [since *that* kind of oil is *assur* for eating and *not* for lighting (see above *ibid.*)], and one would not take oil from a "repulsive container" for *that*.

## IF THE ABOVE OIL GOT MIXED UP WITH OTHER OIL

Above (at the end of 673:1), we gave an introduction to how something *assur* becomes "*batel*" [i.e. "nullified" or "cancelled"] in a mixture, and we mentioned there that the Halacha of a mixture of *oil* depends on whether there's sixty times the *assur* amount (as opposed to solids, where a mere *majority* is enough).

Having said that, let's see what the Tur writes about our case:

*If any of the above assur oil gets mixed together with other oil, and there isn't sixty times as much [muttar oil] to make the assur oil "batel": The Maharam<sup>o</sup> (of Rottenburg) wrote that one may not add more [muttar oil] to the mixture in order to make the assur oil "batel". And it's not comparable to the case in Beitzah (4b), where branches fell from a palm tree [directly] into an oven on Yom Tov\* [and are assur to cook with, because they were not "prepared"], and there we say that one may add prepared logs until there is a majority<sup>35</sup> and [thereby] make the "unprepared" wood "batel". The difference is: Over there, the person does not derive benefit from the wood mixture until after it is burnt up; but here, one derives benefit from the oil mixture at the very time when the candle burns<sup>36</sup>.*

Accordingly, the *Shulchan Aruch* concludes the *se'if* by ruling: **[Furthermore,] if it got mixed together with other oil, and there isn't sixty [times as much] to make it "batel", "there is someone who holds" that one may not add [more] to it in order to make it "batel".**

Now, "there is someone who holds" generally is *Shulchan Aruch* language for a reliable source (which just happens not to be so strongly supported or corroborated). However, the authorities point out a problem:

In volume *Yoreh Dei'ah* (99:6), the *Shulchan Aruch* rules [based on the Rashba<sup>o</sup> and others (*Beis Yosef* there)]: "[In the case of] something which is Rabbinically *assur*: If it fell on its own<sup>37</sup> into something *muttar*, of which there wasn't enough to make it '*batel*': one may add [more of what's *muttar*] to this and make it '*batel*'." Well, making use of Chanukah candles, and cooking with unprepared wood on *Yom Tov*, are Rabbinically *assur*. Therefore, according to the above Maharam, the rule in *Yoreh Dei'ah* should be that adding more is only *muttar* concerning something "from which the person will not derive benefit until after it's gone." Instead, the *Shulchan Aruch* ruled *there* that it's *muttar* [presumably always<sup>38</sup>] - even more simply and clearly than he ruled *here* that it's [generally] *assur*!

<sup>35</sup> source's wording: "multiply prepared logs against them."

<sup>36</sup> It is at this point that the Tur goes on (as in the previous subject): "It is also *assur* to keep it around," etc. His final word (after negating both "solutions") is: "Consequently, there is no solution for it [to be able to be used]."

<sup>37</sup> In between, the *Shulchan Aruch* says that "one may not mix it together *by hand* in order to make it '*batel*'; and if he did so on purpose - it [therefore remains] *assur*." (These points are not so essential to our subject.)

<sup>38</sup> In other words, according to the authorities which the *Shulchan Aruch* in *Yoreh Dei'ah* is following, the above Gemara in *Beitzah* is telling us that this is *muttar* in *all* cases of something Rabbinically *assur* (the exact opposite of the Maharam's approach).

The *Mishnah Berurah* explains: The weaker language which the *Shulchan Aruch* used here ("there is someone who holds") is *hinting to the fact* that there is a differing position [i.e. the Rashba and the other authorities, whose position the *Shulchan Aruch* (in *Yoreh Dei'ah*) accepted as the Halacha].<sup>39</sup>

A few points remain to point out about this subject:

(1) The *Sha'ar HaTziyun* above [as brought at the end of 673:1] explained that even though R. Yitzchak Abouhav's position is to be stringent even about candles that go out *after* the "main time period" ends; nevertheless, one need not be stringent about that with respect to a *mixture*.

(2) The *Bi'ur Halacha* here points out that if someone followed the lead of our *se'if's* Midrash (i.e. each day he "adds a bit to it - and lights it" on the following night), and then on the last night he added a lot of oil - and the candles burned for the entire "main time period" and *then* went out, then what's left is a mixture of *assur* oil (from the earlier nights) and a lot of *muttar* oil [i.e. what was extra by the last night]. He writes that here, too, the mixture is *muttar* if he is sure that the *muttar* oil is "sixty times more".<sup>40</sup>

(3) Remember that by solids, a majority is enough to make something *assur* become "*batel*". However, above (at the end of 673:1) we learned that regarding a mixture of solid Chanukah candles, it's questionable whether the *assur* ones can become "*batel*" at all. [To conclude: We saw above in this *se'if* that some sources include the wicks in this general Halacha (of "left-overs" being *assur*). *We can ask*: based on the reasonings of the two sides of the disagreement in *siman* 673, should the same disagreement apply to wicks?]

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<sup>39</sup> This does not, of course, solve everything satisfactorily, because (1) the *Shulchan Aruch* should have made clear in both places that there is a disagreement, and (2) the *Beis Yosef* here does not mention that there is any disagreement at all. The *Magen Avraham*<sup>\*</sup> proposes a way of "splitting" the Halachos (that in cases which are more comparable to Chanukah it's *assur*, but in other cases it's *muttar*), but the *Sha'ar HaTziyun* rejects that [presumably because that cannot fit with the Maharam, who said the *opposite*].

<sup>40</sup> Note that the *Bi'ur Halacha* seems to be considering this a "mixture that happened unintentionally," even though the person clearly could have foreseen that his "adding a lot of oil for the eighth night" might accomplish this.

## O.C. *siman* 678 : Precedence of Shabbos Candles over Chanukah Candles

### The development of: **Se'if 1**

IF ONE CAN ONLY AFFORD EITHER A SHABBOS CANDLE OR A CHANUKAH CANDLE (NOT BOTH)

The Gemara (*Shabbos* 23b<sup>1</sup>):

**Rava said:** *It is obvious to me that if someone is so poor that he has to choose between the Shabbos "candle of his home" [i.e. the basic obligation of a single one (Mishnah Berurah)] and the Chanukah "candle"<sup>1</sup> - the Shabbos "candle of his home" takes precedence<sup>2</sup>, because of [the need for] "the peace of one's house" [i.e. just like the Gemara says (*Shabbos* 25b) that the Mitzvah of lighting Shabbos "candles" is called "peace" - because for the members of one's household to remain in the dark is a pain, because one keeps tripping (Rashi<sup>3</sup>)].*

Accordingly, the *Shulchan Aruch* starts the *se'if* by ruling: **[In the case of] someone who cannot afford to buy a Chanukah "candle" and a Shabbos "candle" - he should buy a Shabbos "candle", because of "the peace of one's house."** [The other parts of the *se'if* follow the next two subjects.]

As mentioned, the above is all about the basic single-candle obligations. When it comes to adding more, the *Mishnah Berurah* writes (in the name of the later authorities) that the Chanukah candles take precedence<sup>4</sup> [since adding to *them* is mentioned in the Gemara itself (*Sha'ar HaTziyun* - see above 671:2)].

Actually, it could be that this entire Halacha is assuming that the Chanukah candles are lit outdoors, whereas we have learned [as discussed above 671:5] that "nowadays" (when there's "danger"), "one puts it on his table and that is sufficient" (i.e. we light *indoors*). The *Mishnah Berurah* brings a position that in such a "nowadays", one buys a *Chanukah* candle<sup>5</sup>, because that *itself* will take care of "the peace of ones home" [see above 673:1 by "what kind of

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>2</sup> source's wording: "is greater [in importance]."

<sup>3</sup> A second explanation (in the *Me'iri*): the issue of peace of the "home" relates to one's *wife*, since the Mitzvah [of Shabbos candles] is in *her* hands.

<sup>4</sup> Over the fact that it's most appropriate to have [at least] two Shabbos candles, as we learn in the Halachos of Shabbos (O.C. 263:1).

<sup>5</sup> The straightforward reading of this ruling is that the candle would *only* be a Chanukah candle. However, one *could* have argued that the candle would be a fulfillment of *both* Mitzvahs (and perhaps then it would have been appropriate to say over it the *brachos* of the Chanukah candle *and* of the Shabbos candle). On the other hand, perhaps the above authorities concede that since most forms of "making use" of this candle will be *assur*, consequently it's not a *true* fulfillment of the purpose of the Shabbos candle. [In other words, they are merely saying that establishing "the peace of one's home", which is what made the Shabbos candle take *precedence*, is not applicable here as a reason for that *precedence*.]



use is *assur*", that a "totally insignificant" use of Chanukah candle-light is *muttar*.<sup>6</sup> Still, the *Mishnah Berurah* concludes by saying that most authorities disagree - saying that "nowadays" the Halacha is still as Rava said.<sup>7</sup>

[To make the transition to the next subject, we quote what the *Rema* inserts (after the above *Shulchan Aruch*): **[In addition,] see above, [O.C.] siman 263 se'if 3.** The *Mishnah Berurah* explains what he is referring to: The *Shulchan Aruch* there says (based on a second "it is obvious to me" statement by Rava {ibid.}) that the Shabbos candle similarly takes precedence over the Mitzvah of *kiddush* - again because of the paramount need for "the peace of one's home".]

IF ONE CAN ONLY AFFORD EITHER A CHANUKAH CANDLE OR WINE FOR *KIDDUSH* (NOT BOTH)

The Gemara (*Shabbos* 23b<sup>1</sup>):

[Now that Rava has explained what "is obvious" to him, the Gemara continues:]

**Rava asked:** *If one has to choose between the Chanukah "candle" and the Mitzvah of kiddush,<sup>8</sup> what is the Halacha? Should we say that the Mitzvah of kiddush takes precedence,<sup>9</sup> because it is the more frequent [Mitzvah]<sup>10</sup>? Or, perhaps we should rather say that the Chanukah "candle" takes precedence, for the sake of publicizing the miracle?*

**Then, he himself resolved it [and said]:** *The Chanukah "candle" [i.e. the basic obligation of a single one (Mishnah Berurah)] takes precedence, for the sake of publicizing the miracle.*

The *Beis Yosef* brings the commentary of the *Ran*<sup>o</sup> to these words:

**One can ask:** *How can we push aside the Mitzvah of kiddush, which is Torah-mandated, because of the [Rabbinical] Chanukah "candle" (and Shabbos "candle of one's home")?*

**One can answer:** *Actually, we do not push aside [the Torah-mandated obligation of] kiddush. After all, it is possible [as far as the Torah-mandated obligation is concerned] to say kiddush over bread. [I.e. the Gemara was only talking about the **proper** (and Rabbinically obligatory) way of saying kiddush, which is to say it over wine.]*

Accordingly, the *Shulchan Aruch* continues: **[On the other hand,] if he has [enough money] for [the "candle"] of Shabbos, and he does not have [enough money both] for the Chanukah "candle" and for wine for the**

<sup>6</sup> In the *Sha'ar HaTziyun*, he points out that we learned above (671:5) that in such a case it's "obligatory to have an extra candle ['shamash']." He explains that this doesn't make the position we're discussing impossible, though, because the Halacha *always* is (as mentioned above there) that if someone only *has* one candle [and none to use as the "extra"] - he nevertheless lights that candle with the *bracha*, and simply "has to do without" the extra candle. [Over there, he ended by reminding such a person to be extra careful not to "make use" of the light. Here, he says it's *muttar* "even though he has no choice but to make use of it by his table." (This needs further examination.)]

<sup>7</sup> The *Sha'ar HaTziyun* explains that this majority position seems to hold that if one would light such a Chanukah candle, it would be *assur* to do anything by its light [i.e. so "the peace of one's home" *would* still be lacking].

<sup>8</sup> source's wording: "the '*kiddush*' ['sanctification'] of the day". [In the Gemara (in a number of places), this commonly refers to the *main* "sanctification of the Shabbos *day*" - which is said on Friday *night*.]

<sup>9</sup> source's wording: "is greater [in importance]".

<sup>10</sup> Hebrew: "*tadir*". Usually, this is given as a reason for a Mitzvah to be done *before* another [see "Principles"].

**Mitzvah of *kiddush*<sup>11</sup>, he should buy a Chanukah "candle"<sup>12</sup>, for the sake of publicizing the miracle.** [The *Rema*'s addition follows the last subject.]

The Bach<sup>o</sup> says that one can be *yotzei* the Torah-mandated obligation of *kiddush* even with words alone. [This is like the position of the *Magen Avraham*<sup>o</sup> in the Halachos of Shabbos (at the beginning of O.C. 271), that one is *yotzei* the Torah-mandated obligation of *kiddush* with *Ma'ariv* itself.] Therefore, he says that even if someone does not even have *bread* yet, that person *still* buys a Chanukah candle instead. But the *Mishnah Berurah* writes that buying bread takes precedence even over *Shabbos candles*<sup>13</sup> (and he refers to his separate discussions of these Halachos of Shabbos {by O.C. 263:2}).

How can the Bach<sup>o</sup> say that one doesn't really need even bread? Doesn't the *Ran*'s answer clearly imply that one *does* need it? In response, the Bach himself says that the *Ran* was merely giving an *example* to *illustrate* that using wine is not Torah-mandated; but really, he just as easily might have said "it is possible to say *kiddush* even with words alone" (i.e. as far as the Torah-mandated obligation is concerned).

#### IF ONE CAN ONLY AFFORD EITHER A CHANUKAH CANDLE OR WINE FOR *HAVDALAH* (NOT BOTH)

The Tur writes in the Halachos of Shabbos (O.C. 296) that then "the Chanukah 'candle' takes precedence, for it's possible to say *havdalah* in the [*Ma'ariv*] prayer [i.e. without wine]." The *Shulchan Aruch* there (*se'if* 5) writes the same.

Accordingly, the *Rema* here concludes the *se'if*: **[In addition,] the Chanukah "candle" likewise takes precedence over the wine of *havdalah*, as above<sup>14</sup> in *siman* 296 *se'if* 5.**

The *Beis Yosef* over there clarifies the reasoning which the Tur gave here: Just like we said by *kiddush*, that "publicizing the miracle" justifies not saying *kiddush* the proper way - so long as there is in fact another way to say it, so too "publicizing the miracle" justifies not saying *havdalah* the proper way - because there does exist another way to say it.

(According to this reasoning, it could be that if regarding Chanukah candles *as well* there were a way to do it without "expense", then *kiddush/havdalah* would take precedence. [Similarly, we learn over there {*se'if* 4}

<sup>11</sup> source's wording: "the '*kiddush*' ['sanctification'] of the day". [See footnote above.]

<sup>12</sup> source's wording: "he should buy [oil] for the Chanukah 'candle'."

<sup>13</sup> In the *Sha'ar HaTziyun*, he cites the Taz and others as ruling this way, but he does not record a *reason* for disagreeing with what the Bach said. The *Mishnah Berurah* explicitly agrees with the Bach that one can be *yotzei* his Torah-mandated obligation with words, and that therefore *kiddush* itself cannot justify missing the Chanukah lighting. It seems clear that here it's the Mitzvah of the *Shabbos meal* which is doing the overriding, and that's how the *Mishnah Berurah* in the Halachos of Shabbos (by O.C. 263:2) presents the issue. (He discusses there whether even the *third* Shabbos meal outweighs these other Mitzvahs, but that's beyond the scope of this volume.) The *Aruch HaShulchan*<sup>o</sup> mentions a different reason that buying bread should override the Chanukah candle: because "bread, too, certainly contains [an important element of] 'the peace of one's home', understandably."

<sup>14</sup> This is the *Mishnah Berurah*'s emendation. Our text reads: "And see above" etc., which is difficult, because it doesn't say any more there than here.

that "*havdalah* with wine" takes precedence over "*kiddush* with wine".] However, the *Mishnah Berurah* here implies {as did the *Beis Yosef* there} that "publicizing the miracle" outweighs the [Rabbinical] Mitzvah of *havdalah*, *entirely*.<sup>15</sup> In fact, according to the Bach's way of interpreting [see the previous subject], even the Tur can be read this way, as follows: The Rambam says the basic Mitzvah of *havdalah* is Torah-mandated {like the basic Mitzvah of *kiddush*}, but *that* only requires "words". Now, if *havdalah's* Torah-mandated obligation *would have* required wine, then "publicizing the miracle" of Chanukah *certainly* would not outweigh that. Consequently, the Tur could mean *havdalah* in *Ma'ariv* as an *example* to *illustrate* that wine is not Torah-mandated, just as if he would say "it is possible to say *Havdalah* even with words alone" {as far as the Torah-mandated obligation goes}.)

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<sup>15</sup> It should be apparent that this does not follow directly from our Gemara, since "publicizing the miracle" outweighing *kiddush* is "easier", because (a) there a "different if improper" form in fact exists, and (b) *havdalah* outweighs *kiddush*, as mentioned.

## O.C. *siman* 679 : Chanukah Candle-lighting on the Eve of the Shabbos<sup>1</sup>

### The development of: **Se'if 1**

#### WHETHER THE SHABBOS CANDLE OR THE CHANUKAH CANDLE IS THE ONE TO LIGHT FIRST

The Ramban<sup>o</sup> [to *Shabbos* 23b - the Halachos of the previous *siman*]:

**From the Gemara's words:** "When choosing between the Shabbos 'candle of one's home' and the Chanukah 'candle'<sup>2</sup> - the 'candle of one's home' takes precedence<sup>3</sup>, " I infer that [this is true] even regarding which comes first; i.e. one lights the Shabbos "candle of one's home" before the Chanukah "candle"; for any time one Mitzvah is greater and more frequent ["*tadir*" - see "*Principles*"] than a second - that first one comes before the second.

**However, the Behag's statement on this is:** When one has to light the Chanukah "candle" and the Shabbos "candle", first he lights that of Chanukah and afterwards he lights that of Shabbos. For if he would light that of Shabbos first, it would become *assur* for him to light that of Chanukah, because he would have already accepted upon himself the Shabbos.

**[Still,] that principle is extremely doubtful<sup>4</sup>.** Just the opposite: It's not because it is Shabbos that one lights [Shabbos candles], but rather **because it is not Shabbos yet<sup>5</sup>.**

This disagreement, whether lighting Shabbos candles brings with it an acceptance of the Shabbos, is really a discussion for the Halachos of Shabbos [by O.C. 263:10]. The Tur here leans in favor of the position that it *doesn't* "bring acceptance", and the *Beis Yosef* mentions that this in fact agrees with the words of the Rosh<sup>6</sup>. However, the *Beis Yosef* says that here, in practice, one should avoid the problem (and do what's *definitely muttar*<sup>7</sup>), by simply lighting Chanukah candles first. The *Darkei Moshe* likewise brings that this is the *minhag* [despite the fact that he brings in

<sup>1</sup> This title for the *siman* is found in the *Aruch HaShulchan*<sup>o</sup>. The *Shulchan Aruch* does not use one here. (Rather, he merely calls it "*siman* 679 - which consists of one *se'if*." This is not uncommon for very short *simanim*.)

<sup>2</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>3</sup> source's wording: "is greater [in importance]".

<sup>4</sup> source's wording: "so [very] far[-fetched]". (The replacement idiom is an attempt to capture the intent properly in English.)

<sup>5</sup> The Ramban also brings the Gemara (*Shabbos* 35b) which says Shabbos candles are lit "the amount [of time it takes] to fry a small fish" *before* the time one stops doing *melacha*<sup>o</sup>.

<sup>6</sup> The Tur usually adopts the positions of his father, the Rosh. (The *Beis Yosef* also mentions here that the *Ran*<sup>o</sup> and the *Mordechai*<sup>o</sup> hold like the Behag, and that the *Maggid Mishneh*<sup>o</sup> {based on the Ramban and the Rashba<sup>o</sup>} and *Rabbeinu Yerucham*<sup>o</sup> hold like the Rosh.)

<sup>7</sup> The *Beis Yosef* says that everyone agrees that one may light Chanukah candles first if he wants. The *Darkei Moshe* protests: The Rashba [who echoes the words of our Ramban] taught us clearly to do the opposite! [Still, presumably even the *Darkei Moshe* agrees that from *our* point of view (i.e. having a disagreement in front of us with many authorities on both sides), one cannot pay attention to "which Mitzvah is more frequent" (which does not make anything *assur*) in the face of possibly violating one's acceptance of Shabbos. (In fact, we see that the *Darkei Moshe in practice* does not object to lighting Chanukah candles first.)]

the Halachos of Shabbos that the only case where it's the *minhag* to be strict about Shabbos candles "bringing acceptance" is with respect to a woman who actually lights them herself].

Accordingly, the *Shulchan Aruch* rules: **On the eve of the Shabbos, one lights the Chanukah "candle" first, and afterwards the Shabbos "candle"**. (The *Rema*'s addition [with details about Friday Chanukah candle-lighting] follows the next subject.)

The *Mishnah Berurah* writes that if in practice someone already lit Shabbos candles first, then what to do next is different for men and women: A woman should not light Chanukah candles any more at that point [since it's the *minhag* in general to consider her to have accepted Shabbos (as mentioned)]; rather, she should tell someone else to light for her. (He explains that this other person says the main *bracha*, "...to light a Chanukah candle", but the rest she can say herself [for she is certainly not less than "one who sees" {*Sha'ar HaTziyun* - see above 676:3, and see above 675:3 where the *Mishnah Berurah* brings a slightly different ruling}].) On the other hand, if a man lit the Shabbos candles, we follow the strict Halacha according to most authorities [that he has *not* accepted Shabbos], so he can light the Chanukah candles afterwards by himself. (In the *Sha'ar HaTziyun*, he says this is despite the disagreeing of the *Taz*<sup>o</sup>; but that even *he* may mean to say that a man who *regularly* lights Shabbos candles [such as if he has no women in his home] is considered like a woman in this respect [i.e. he also is included in the above *minhag*].)

The *Ben Ish Chai*<sup>f</sup> [*Vayeishev* II (Halachos of Chanukah) 20] clarifies some practical details:

Since the husband lights the Chanukah candles, and the wife lights the Shabbos candles, one might think that with such an arrangement - the Shabbos candles could be lit first [since the one accepting Shabbos is not the one who will be lighting for Chanukah afterwards]. Nevertheless, the wife should still wait. However, if time is running out for lighting the Shabbos candles, and it's the seventh or eighth night of Chanukah (so it will take the husband a while to finish lighting), then she can light Shabbos candles as soon as the husband has lit *one* Chanukah candle.

[The *Ben Ish Chai* himself says the reason that the Shabbos candles should come first is a mystical one. On the other hand, the *Binyan Shlomo*<sup>o</sup> (responsum 53) explains that since the husband is also representing the wife in her fulfillment of the Chanukah lighting, it should not be done when she has already accepted Shabbos. However, the *Shulchan Aruch* in the Halachos of Shabbos (O.C. 263:17) says "some hold" that it's *muttar* for one Jew who has already accepted Shabbos to have another Jew (who has not) do *melacha*<sup>h</sup>! So the *Pri Yitzchak*<sup>o</sup> (2:8) points out that the position of the above-mentioned Behag is in fact that once Shabbos candles are lit, *melacha* is *assur* for the *entire household*<sup>h</sup>; so it still makes sense that "initially" the husband should light the Chanukah candles first, to take his position into account *fully*.]

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<sup>8</sup> This can be seen clearly from some of the sources brought by the *Beis Yosef* in the Halachos of Shabbos (263:10).

## SAYING A BRACHA OVER THE FRIDAY AFTERNOON CHANUKAH CANDLE-LIGHTING

The *Beis Yosef* brings the *Terumas HaDeshen*<sup>9</sup> (102), who points out that although the main time for the Mitzvah starts only after nightfall; nevertheless, even while it's still daytime, the lighting is considered a "proper beginning" for the Mitzvah (since here it's *impossible* to light at night)<sup>9</sup>, so one can say a *bracha* then.

Accordingly, the *Rema* adds: **[Furthermore,] one says the *bracha* on them just like on a weekday, even though one is lighting while "the day is yet great" [i.e. long before nightfall].**

The *Mishnah Berurah* points out that much of this has already been clarified above (672:1), while discussing the "flexibility" of the "beginning of the time of the Mitzvah." Accordingly, he reminds us: (1) One can only light with a *bracha* from "*plag haMincha*" and onwards (which means one and a quarter "relative hours" [i.e. one relative hour = one-twelfth of the daylight hours] before the time "when the stars come out"; and (2) One has to put in enough oil (at least for the single candle which is the basic obligation) to last until the regular "end of the lighting time" (and he repeats what he said in the *Bi'ur Halacha* there, that this means until a half hour after the "when the stars come out", no matter how early one usually lights). [See there about what to do if one already lit with less oil than that, and above (673:2) about what to do if the candles go out before the onset of Shabbos.]

The *Mishnah Berurah* adds (in the name of the later authorities) that "initially" it is proper to pray *Mincha* before lighting [because it looks a little bit self-contradictory to first light - relying on the possibility to "consider it already night" - and then to pray *Mincha* afterwards (*Sha'ar HaTziyun*<sup>10</sup>)].

Rav Moshe Feinstein<sup>9</sup> [*Igros Moshe* O.C. 4:62] discusses exactly when one should in fact light:

When discussing the Friday Chanukah lighting, one might think that it's better to light significantly close to sundown (which is the earliest time for weeknights [see above 672:1]). However, none of the authorities make any distinction, which indicates that in fact there is no difference between lighting right after "*plag haMincha*" and lighting later. It's true that some of them hold that we calculate "*plag haMincha*" from "when the stars come out", and according to *that* position "*plag haMincha*" is just before the sun disappears. Still, even those authorities would certainly say the same thing about the other position; i.e. that *if* we calculate "*plag haMincha*" from when the sun disappears - *then* it's perfectly fine to light Chanukah candles one and a quarter [relative] hours before the sun disappears.

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<sup>9</sup> The *Terumas HaDeshen* compares this to cooking for one's parents, which is not the *fulfillment* of the Mitzvah (for *that's* not until they eat), but nevertheless (in *Yevamos* 6a) is still considered enough of a "proper beginning of a Mitzvah act" to override Shabbos [according to that Gemara's assumption that honoring parents overrides Shabbos] if that's what the parent requires. [See also above (673:2) concerning "if on Friday afternoon before the onset of Shabbos the candles went out," which revolves around this same *Terumas HaDeshen*.]

<sup>10</sup> The *Sha'ar HaTziyun* adds that it seems this should only really be a problem if it's a long time before sundown. [A question: if the Chanukah lighting relies on "considering it already night", then shouldn't the Shabbos candles have to be lit *before* then (i.e. the *opposite* of the previous subject's ruling)? Also, shouldn't *Mincha* have to be even before "*plag haMincha*" itself, as the *Mishnah Berurah* writes in the Halachos of Shabbos (by 267:2) about praying *Ma'ariv* early on Friday afternoon?]

After all, given that it's impossible to light on Friday night at the same time as on a weeknight, and of course every Chanukah has always had to have at least one Shabbos, consequently it makes sense to say that the Sages instituted a special time for Friday night.<sup>11</sup> And since the Gemara did not specify exactly what portion of the late afternoon they chose, we therefore conclude that it starts with "*plag haMincha*" since we already find that to be the relevant period for Shabbos candles and for early *Ma'ariv*, etc.

However, I hold that the intended time is specifically *shortly* before lighting Shabbos candles. Therefore, if someone wants to accept Shabbos at the earliest possible time (i.e. right after "*plag haMincha*") for whatever reason, then there's no need at all for him to delay that in order to light Chanukah candles later, and he can simply light Chanukah and Shabbos candles at the very beginning of the period; but if he's not lighting Shabbos candles until later *anyway*, and he's planning to continue doing *melacha* for a while, then why should he be lighting Chanukah candles significantly earlier? (Still, since this point is not found in the authorities, I can only say that one should be stringent with it "initially"; but if someone *did* light Chanukah candles very early and Shabbos candles late, then "after the fact" he need not put out the Chanukah candles in order to re-light them just before lighting Shabbos candles.)

[Note: This approach does not seem to fit with the reasoning of the above *Sha'ar HaTziyun* - that the "early" lighting is because of "considering it already night". Another point: The *Luach Eretz Yisrael* says that although the local *minhag* is to light Shabbos candles *forty* minutes before the sun disappears, nevertheless on Chanukah all the candles are lit starting at *twenty-five* minutes before the sun disappears, "because in most cases, the Chanukah candles are small, and they need to burn for a half hour at night." Finally: The *Gra* here favors the position of the Rashba (which we quoted above {672:1}), that even on Friday, one can only light "before sundown" (i.e. *shortly* beforehand).]

Rav Yaakov Chaim Sofer<sup>°</sup> [*Kaf HaChayim*, O.C. 671 n79] adds a few points concerning *Mincha*:

Another reason that "initially" *Mincha* should be before lighting is that *Mincha* corresponds to the afternoon "*Tamid*" offering, and the Chanukah candles commemorate the miracle which was performed with the Menorah, *which was lit after that offering*. However, there is basis for saying that one should not let this issue force him to pray *Mincha* at home alone; rather, if the only way he can pray *Mincha* with the congregation is if he lights first, he should do that.

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<sup>11</sup> R. Moshe Feinstein emphasizes that his approach is the *opposite* of that of the Rashba [quoted above (672:1)], who "proved" that "sundown being the earliest time" must be flexible - from Friday night! [Incidentally, the *Chasam Sofer*<sup>°</sup> (6:7) touches upon our subject, and it seems that his words can actually be read either way.]

**O.C. *siman* 680 : Placing Candles Close to the Entrance (the night of Shabbos)**

*Note that the order of the se'ifim is reversed.*

**The development of: *Se'if* 2**

## SETTING UP THE SHABBOS CHANUKAH CANDLES "ATTACHED TO THE DOOR ITSELF"

By way of introduction: As an application of the general concept of "indirectly causing a fire to go out" on Shabbos, the Gemara (*Shabbos* 120b<sup>1</sup>) concludes that if a "candle"<sup>1</sup> is placed somewhere called "at the back of the door", then it's *assur* to open that door<sup>2</sup>. In the Halachos of Shabbos (O.C. 277:1), the *Beis Yosef* brings the three fundamentally different explanations of "at the back of the door", and the ruling there is that we consider it *assur* all three ways, because we cannot clearly choose one explanation to adopt. One of the three interpretations is Tosafos's, that the candle is *attached to the door*, as the Tosafos explains:

*As a result of opening or closing the door, the "candle" shakes, and the oil is distanced from the flame - or brought closer to it, and that's considered a melacha\* accomplishment of "putting out" a fire - or "causing to burn". (On the other hand, if it were not for this concern for "putting out" and "causing to burn", it would **not** be assur because of moving the "candle" [which is "muktzeh" - see "Principles"], because the person's closing the door is not considered an act of "moving".<sup>3</sup>)*

Knowing this, let's see what the Tur<sup>o</sup> here writes about applying it in practice on Chanukah:

*"HaRav R' Shmuel"<sup>4</sup> did not have a place behind the door to light Chanukah "candles", and he would attach them to the door itself (behind the door). He explained: One cannot say that when he opens or closes the door, he leans the oil or the wax toward the wick - or distances them from the wick - and consequently he's "putting out" a fire or "causing to burn"; for after all, the Gemara (ibid.) says that one may tilt the surface on which a "candle" is standing such that the "candle" will fall, so we see that one does not have to be concerned about leaning the oil forward or backward. [The **reason** this is not a concern is that] in such a fashion "putting out" or "causing to burn" is not relevant [at all], and even if it is relevant -*

<sup>1</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>2</sup> The Gemara first brings a Baraisa which says it's *muttar*, and then that Rav "laid a curse on that". The *Beis Yosef* (O.C. 277) cites the major authorities as ruling like Rav.

<sup>3</sup> The Tosafos adds that "it's also not a case where the door becomes a 'support for something *assur* [to be moved]' [i.e. a '*bassis*']." [The Tosafos then gives examples of why, in fact, the door would not be in that category of "*muktzeh*", but those are beyond the scope of this volume.]

<sup>4</sup> The report of this position is brought by the Tur as coming from the Maharam<sup>o</sup> (of Rottenburg), and by the *Beis Yosef* (O.C. 277) as coming from the *Hagahos Maimonios*<sup>o</sup>. [The *Beis Yosef* there seems to accept the analysis which the Tur writes here.]



"something which one does not intend" is *muttar*<sup>5</sup>, and it's not a "p'sik reisha" [literally: a case of "cutting off the head"<sup>6</sup>].

**On the other hand, the Tur makes clear:** According to Tosafos<sup>7</sup>, that's *assur*! (As for that case of "tilting the surface on which a 'candle' is standing," the Tosafos interprets it to be referring only to a case where there is no oil in the "candle"; for the Tosafos **does** consider it a "p'sik reisha" [literally: a case of "cutting off the head"] if there **is** oil in it.)

The *Shulchan Aruch* rules "anonymously" like Tosafos: **On the eve of the Shabbos, it is *assur* to attach the "candles" to the door itself (behind the door); and there is someone who holds it is *muttar*.** The *Rema* adds: [To clarify this,] see above *siman 276 se'if 1*. (The *Mishnah Berurah* explains that he is referring to the fact that over there, no lenient position is even mentioned; i.e. the Halacha is that it's *assur*.)

The *Sha'ar HaTziyun* refers to the Halachos of Shabbos (277:1), where it is explicitly ruled that the problem only applies by oil and the like, *not* by wax candles.

The *Gra* interprets the lenient position mentioned by the *Shulchan Aruch* as being that of the *Sefer Ha'Aruch*<sup>8</sup>, who holds that a "p'sik reisha" is only *assur* when it's "desired".<sup>8</sup> The *Sha'ar HaTziyun* notes that this way too, the Halacha will not be like that, because the position of the *Sefer Ha'Aruch* is rejected (in the Halachos of Shabbos, O.C. 320:18).

### The development of: **Se'if 1**

#### MAKING SURE THAT THE SHABBOS CHANUKAH CANDLES WILL NOT BE PUT OUT WHEN THE DOOR IS OPENED

The Tur writes: "For the night of Shabbos, one has to place something [in such a way as] to be a barrier between the 'candles'<sup>9</sup> and the entrance, because of the wind - [i.e.] so it will not put out the 'candles' when he opens the door; for [when] a 'candle' [is] 'at the back of the door' - it's *assur* to open and to close [the door] opposite it." The *Gra* comments that here the Tur is using the explanation of Rashi [to the above-mentioned Gemara, discussed in the

<sup>5</sup> This basic principle is mainly discussed in the Halachos of Shabbos (337:1).

<sup>6</sup> In *Shabbos* (75a), the Gemara says that even if someone holds that "something which one does not intend" is *muttar*; nevertheless, if he is engaged in an act which inevitably will accomplish the *assur* act, he cannot *claim* that he is merely "cutting off the head" [i.e. the intentional act] "but it will not die" (i.e. so his "lack of intent" for the *assur* act is not an acceptable reason for this to be *muttar*). [Here, the issue is whether opening a door *inevitably* accomplishes a "putting out" or "causing to burn" within the "candle".]

<sup>7</sup> source's wording: "According to how 'the Ri' explained."

<sup>8</sup> Similarly, the Rashba (to *Shabbos* *ibid.*) mentions that according to the *Sefer Ha'Aruch*, there can be no concern for "putting out" or "causing to burn" in such a way. [Actually, he is referring to the case of "tilting the surface on which a candle is standing."]

<sup>9</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

Halachos of Shabbos (O.C. 277)]. [However, in the Halachos of Shabbos it is explicitly ruled that *closing* the door is no problem, when it comes to this concern for the wind.]

Accordingly, the *Shulchan Aruch* rules: **For the night of Shabbos, one has to place something [in such a way as] to be a barrier between the "candles" and the entrance, because of the wind - [i.e.] so it will not put out the "candles" when he opens the door.**

The *Mishnah Berurah* says that if one did *not* set up a "barrier", then of course it's *assur* to open the door.<sup>10</sup> In addition, he clarifies three points:

(1) During the week as well, one has to watch out for this, and be careful not to set up the candles opposite a place where there is significant wind. (It's just that on Shabbos one has to be *more* careful.)<sup>11</sup>

(2) Our Halacha is of course talking about someone who lights near his front door, such that the candles are opposite the open entrance when the door is opened. In fact, there is another case with a similar problem - someone who lights between the door and *the wall toward which the door opens*. In that case, it's also a problem to open the door, because one could bang the door into the candles - and put them out with *that*. (This is the explanation of *Rabbeinu Chananel*<sup>o</sup> (to the same Gemara), also brought in O.C. 277. [As mentioned above, the ruling there is that we consider it *assur* all three ways.]

(3) However (the *Mishnah Berurah* concludes in the name of the Bach<sup>o</sup>), if someone lights in the "winter house" [see above at the end of 671:8], "and there's a room *in front* of the winter house," then the lighter does *not* have to worry about the wind, because even if the door of the "winter house" is directly in line with the outer door<sup>12</sup>, nevertheless, anyone who opens the doors can make sure not to open the door of the "winter house" unless he first closes the outer door.

Points (2) and (3) seem to contradict each other, if we mention that when the concern is for the door banging into the candles - it's explicitly ruled in *siman 277* that it's *muttar* to open the door *gently* in that case. Given that, how come in point (3) [the "winter house"] the lighter can "plan to open the doors in a way that protects the candles," and in point (2) he cannot?

<sup>10</sup> He refers to his discussion in the *Bi'ur Halacha* (in the Halachos of Shabbos) about when it's *muttar* to open the door if he does it gently.

<sup>11</sup> The *Mishnah Berurah* here (and actually the *Tur* & *Shulchan Aruch* themselves as well) seems to be looking at the door as something which will inevitably "end up" being opened. This understanding would explain how he compares the Halacha here (which is talking about lighting while the door is still *closed*) with the Halacha of "lighting opposite the wind on a weekday" above [673:2] (which seems to be talking about lighting where the wind is blowing *now*).

<sup>12</sup> In addition, in order for the issue to be relevant at *all*, the candles would also have to be close enough to the outer door for them to be able to be blown out by the wind (*Mishnah Berurah* to O.C. 277, n2).

**O.C. *siman* 681 : Using Chanukah Candles for Havdalah (and the Order)****The development of: *Se'if* 1**

## USING A CHANUKAH CANDLE FOR HAVDALAH

The *Ohr Zarua*<sup>1</sup> quotes the following in the name of the *Yerushalmi*<sup>1</sup>:

**R' Abuha said<sup>2</sup>:** *One may not say the bracha by havdalah over a "candle"<sup>3</sup> - or over fragrant spices - of a Mitzvah.*

**What is he referring to as "of a Mitzvah"?** *R' Yosa said in the name of Shmuel: By "a candle", he means such as the Chanukah "candle"; on the departure of the Shabbos, one does not say the bracha by havdalah over it. By "fragrant spices", he means such as the willow of the four species<sup>4</sup> on Sukkos; on the departure of the Shabbos, one does not say the bracha by havdalah over it. After all, Rabbah said: It's assur to smell a willow of the Mitzvah [since it was set aside for the Mitzvah (Rashi to Sukkah 37b)].*

**[A parallel point seems clearly to have been left as understood - the fact that by a Chanukah "candle", too, it's assur to "make use" of it (see above 673:1). In addition, the Tur and Avudraham emphasize that the reason that this makes it unusable as a havdalah candle is that a havdalah candle must be "used" in order for the bracha to be said (Brachos 51b {see the Halachos of Shabbos - O.C. 298:4}).]**

Accordingly, the *Shulchan Aruch* rules<sup>5</sup>: **On the departure of the Shabbos, one may not use the Chanukah "candle" for havdalah; because one may not derive benefit from its light, and one cannot say the bracha over the "candle" [by havdalah] unless one "uses" its light.**

The *Mishnah Berurah* writes that actually, this is only true when following the *minhag* to do the Mitzvah of Chanukah candle-lighting before *havdalah* [see the next *se'if*]. In that case, when one gets to *havdalah*, the candle is already *assur* as a Chanukah candle. But there's nothing wrong with using the same candle for both Mitzvahs in the *reverse* order, as follows: One would first use the candle for *havdalah*, then put it out, and then re-light it for the Chanukah Mitzvah. In fact (concludes the M.B), using the same candle for both would then be the *best* thing to do, for "once one Mitzvah has been done with it - let another Mitzvah [also] be done with it" (*Shabbos* 117b).

<sup>1</sup> The Tur<sup>1</sup> (here) and the Avudraham<sup>2</sup> also cite such a *Yerushalmi* (briefly). The *Ohr Zarua* says it's in the eighth chapter of *Brachos*. It does not seem to appear in our text of the *Yerushalmi* at all.

<sup>2</sup> source's wording: "R' Abuha in the name of R' Yochanan, [and] R' Yose bar R' Chanina, [said:]".

<sup>3</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>4</sup> source's wording: "of the '*hoshana*'."

<sup>5</sup> His words are in fact none other than the words of the Tur in the name of the *Yerushalmi*.

[This is surprising, since the Gemara explicitly says [*Pesachim* 8a, 103b] and the *Shulchan Aruch* likewise rules [in the Halachos of Shabbos (O.C. 298:2)] that the choicest way to do the Mitzvah (of the *bracha* by *havdalah*) is with a torch-like flame (which means at least two wicks together {*Rema* & *Mishnah Berurah* *ibid.*}, which a Chanukah candle cannot be {see above 671:4})! Perhaps we can explain that the *Mishnah Berurah* is only referring to someone whose "torch" is none other than "holding the wicks of two candles together" (so he could then light them *separately* as Chanukah candles), or a case where a torch-like flame was unavailable regardless.]

### The development of: **Se'if 2**

IS IT MORE IMPORTANT TO PUT THE "TADIR" FIRST, OR TO DELAY "ESCORTING THE DAY OUT"?

[an introduction to the main subject of our se'if (which follows afterwards)]

The Gemara (*Brachos* 51b<sup>5</sup>) [with Rashi]:

**The Rabbis taught in a Baraisa<sup>6</sup>:** *Beis Shammai* say: One who is saying kiddush [on Shabbos or Yom Tov\*] says the *bracha* over the day [i.e. "Who sanctifies" etc.] first, and then afterwards says the *bracha* over the wine. [Two proofs:] (1) It is the day that causes [this instance of using] the wine to arrive; (2) At a point when "the day became holy" already [i.e. when he accepted the day upon himself or "when the stars come out"] - the wine had not yet arrived [i.e. and just as the day arrives first - so too its **bracha** should come first]. **Beis Hillel** say: He says the *bracha* over the wine first, and then afterwards says the *bracha* over the day; for the wine [or bread in place of that] enables<sup>7</sup> the kiddush to be said. An additional point: The *bracha* of wine is frequent, and the *bracha* of the day is not [as] frequent; and when choosing between something which is frequent and something which is not [as] frequent - the one which is frequent comes first.<sup>8</sup> And the Halacha [concludes the Baraisa] is like the position of *Beis Hillel*.

**The Gemara clarifies:** What is the need for "an additional point"? [The answer is that the Baraisa means to continue by saying:] If someone will argue: "But when *Beis Shammai* argued in favor of the *bracha* over the day coming first - **two** proofs were found, and when you argued the reverse - one alone has been given!"; [then we will respond:] "Here, too, there are two proofs, [and the second is:] the *bracha* of wine is frequent," etc.

**Later [52a], the Gemara asks:** Is it really true that *Beis Shammai* hold that the *bracha* over the day is more important? Wasn't it taught in a Baraisa: When someone comes into his house on the departure of Shabbos, he says the *bracha* over the wine, and then over the light, and then over the fragrant spices, and then **afterwards** he says the *bracha* of *havdalah* itself! [Shouldn't the *bracha* of *havdalah* come first, if *Beis Shammai* hold that the *bracha* pertaining to the day always does?]

<sup>6</sup> This Baraisa elaborates on the subject of the Mishnah's list of "matters [of disagreement] between *Beis Shammai* and *Beis Hillel* concerning a meal."

<sup>7</sup> source's wording: "causes". [Rashi *interprets* it to mean "enables".]

<sup>8</sup> As we derive (*Zevachim* 89a) from what the Torah says about the "*Tamid*" offering (Rashi).

*[Naturally, the Gemara counters: "On what basis do you conclude that this last Baraisa is from the teachings of Beis Shammai?" However, the Gemara does proceed to prove "that it is indeed from the teachings of Beis Shammai (and according to the particular version of R' Yehudah)". So now we disregard this last counter-argument, and it is a difficulty!]*

*So the Gemara answers: Beis Shammai hold that "bringing the day in" [i.e. kiddush] is different from "escorting the day out" [i.e. havdalah], as follows: when it comes to "bringing the day in", the more we advance it - the better; whereas when it comes to "escorting the day out", the more we **delay** it - the better, so that it shouldn't be like a burden upon us.*

The principle of "*tadir*" [that the more "frequent" Mitzvah should be done first], and the principle of delaying "escorting the day out", are both mentioned here. Can we also infer which of the two principles is the more important one?

The *Gra* says that we can see it from the position of *Beis Shammai*. *Beis Shammai* say that the *bracha* pertaining to the day comes first, even if this causes the *bracha* over the wine - which is "*tadir*" - not to be first. In effect, they are saying that the importance of the *bracha* pertaining to the day outweighs that of the "*tadir*" being first. Nevertheless, they say that *havdalah*, which is a *bracha* pertaining to the day, is *last*, because we have to delay "escorting the day out". It follows that if "delaying escorting out" outweighs "*brachos* of the day" which outweighs "*tadir*", then **"delaying escorting out" must outweigh "tadir"**. [Of course, *Beis Shammai*'s high value for "*brachos* of the day" is disputed by *Beis Hillel*, but we have no reason to think that they disagree about the relative values of "*tadir*" and "delaying escorting out".]

The Taz<sup>o</sup> disagrees, and says that we should be learning from *Beis Hillel*, which will prove the opposite! For when *Beis Hillel* say that the *bracha* over the wine comes first because it's "*tadir*", they are actually saying that this outweighs "bringing the day in" earlier, since *that* would have been accomplished if the *bracha* pertaining to the day would have been first! The Taz then states that making "bringing the day in" *earlier* should be *at least* as important as *delaying* "escorting the day out", so if *Beis Hillel* say "*tadir*" outweighs "bringing the day in" earlier, that also tells us that **"tadir" outweighs "delaying escorting out"!**

The *Gra* says that the Taz's reasoning can be refuted by a detail from the Halachos of Pesach (O.C. 489:9), where we find the following discussion: When it's necessary to include "counting the *omer*" [see "Principles"] in a Friday night *Ma'ariv* in the synagogue [or the eve of a *Yom Tov*<sup>\*</sup>, such as the second night of Pesach], the *kiddush* in the synagogue is said *before* "counting the *omer*", in order to make "bringing the day in" earlier. In addition, on the departure of Shabbos [or of the last day of Pesach], the *havdalah* in the synagogue is said *after* counting, in order to delay "escorting the day out".<sup>9</sup> Now, what if the last day of Pesach falls on a Sunday, so that "the eve of the last day of Pesach" is *also* "the departure of the Shabbos"? We have learned [*Pesachim* 103b, O.C. 473:1] that on such nights, the *kiddush* and *havdalah* are joined under one cup of wine, so when should we count? Should we count *before* the *kiddush/havdalah*, in order to delay the "escorting out" of Shabbos, or *afterwards*, in order to make the "coming in" of *Yom Tov* earlier? Well, the *Shulchan Aruch* there codifies the ruling of the *Terumas HaDeshen*<sup>o</sup>, that we *count*

<sup>9</sup> This point actually relates to our subject itself, since *havdalah* is more "*tadir*" than counting the *omer*. However, the *Gra*'s point does not depend on this, but rather only on the *third* case (where "bringing in" and "escorting out" conflict), as will become clear.

first [because we can see from a Rashbam<sup>o</sup> in *Pesachim* that "delaying escorting out" is more essential]. *So it's not true* that making "bringing the day in" earlier is as important as delaying "escorting the day out" (as the Taz claimed), and it could easily be that even though *Beis Hillel* value "*tadir*" over "making the bringing in earlier", but they *might* say "*tadir*" is *less* than "delaying escorting out"! So again, it makes sense to rely on the above proof that at least *Beis Shammai* value "*tadir*" less than "delaying escorting out", since we have no proof that *Beis Hillel* dispute them on that point.

#### WHETHER LIGHTING THE CHANUKAH CANDLE OR SAYING *HAVDALAH* IS THE ONE TO DO FIRST

The *Beis Yosef*, who is referring to the *havdalah* and Chanukah-lighting of the synagogue [see above 671:7], brings from the Avudraham<sup>o</sup> that "some have the *minhag*" to say *havdalah* first [because it's more "*tadir*" (*Mishnah Berurah* - see above)]. However, he also brings the *Terumas HaDeshen*<sup>o</sup>, who says that the Chanukah lighting is first, in order to delay "escorting the day out" [and also (because) there is "publicizing of the miracle" in the lighting (*Mishnah Berurah*)]; and the *Darkei Moshe* brings likewise from the Maharil<sup>o</sup>, the Agur<sup>o</sup>, and the *Kol Bo*<sup>o</sup>, and concludes by saying that this is in fact the *minhag*.

The *Shulchan Aruch* rules like the *Terumas HaDeshen*: **The Chanukah "candle"<sup>10</sup> is lit in the synagogue before *havdalah*.** The *Rema* adds: **And all the more so - that in one's home one lights and afterwards says *havdalah*; for after all, he already "was *mavdil*" [i.e. did the Mitzvah of *havdalah*] in the synagogue.**

This *Rema* needs further discussion:

The *Mishnah Berurah* points out that the *Rema* cannot literally mean that he already was *yotzei* the Mitzvah, because we are certainly not referring to someone who had in mind to be *yotzei* with the *havdalah* of the "*chazzan*"<sup>\*!</sup> [After all, if he *did* have that in mind, then why would he be saying *havdalah* in his home at all?] Rather, he explains it to mean that he *heard* the *havdalah* (but he admits that the *Rema's* words are still seriously unclear).

Then, the *Mishnah Berurah* brings the position of the Taz, who (along with other later authorities) rejects the position of the *Shulchan Aruch* and *Rema* even about the synagogue itself, and holds instead like the *minhag* mentioned by the Avudraham, to say *havdalah* first. He refers to the *Bi'ur Halacha*, where he explains that the disagreement is found in a few earlier authorities as well, and that the *Gra* (along with other later authorities) *does* accept the position of the *Shulchan Aruch* and *Rema* (i.e. the *Terumas HaDeshen*). [One major proof of the Taz has been brought as the previous subject, along with how the *Gra* refutes it and proves the opposite from the same source.]

Therefore, the conclusion in the *Mishnah Berurah* [based on the conclusion of a number of later authorities (*Bi'ur Halacha*)] is that in the synagogue - the ancient *minhag* should be kept (to light [and say "*v'yiten lecha*"<sup>11</sup> (*Mishnah Berurah*)] before *havdalah*<sup>12</sup>); but as for at home, the Halacha is that "whatever you do - you're covered."

<sup>10</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

The *Kitzur Shulchan Aruch*<sup>o</sup> (139:18) and the *Aruch HaShulchan*<sup>o</sup> say "the *minhag*" is that in one's home, the Chanukah candles are lit *after* Havdalah<sup>13</sup> (in contrast to the *Mishnah Berurah*, who gave no preference).

Regarding *for what time of night we should schedule* all these components of "ending Shabbos" (Ma'ariv, Havdalah, and Chanukah candles): The *Luach Eretz Yisrael*<sup>o</sup> says not to schedule them "as late as we do at the departure of Shabbos in other weeks," based on the position of the *Gra*.<sup>14</sup> On the other hand, Rav Moshe Feinstein<sup>o</sup> [*Igros Moshe* O.C. 4:62] says that it's not *muttar* to light candles on the departure of Shabbos Chanukah any earlier than it is any other week. (He adds that if someone waits until seventy-two minutes after the sun's disappearance every week, he too should do the same on Chanukah.<sup>15</sup>) In other words, he holds that here one *cannot* follow the position of the *Gra*.<sup>16</sup>

[Note: In any case, it *would* seem reasonable to delay "*v'yiten lecha*" until everyone gets home and lights (as opposed to the above quoted *Mishnah Berurah*, who wrote that it is said before the synagogue *havdalah*), since this would not entail any deviation from the *Halachos* of the departure of Shabbos.]

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<sup>11</sup> The *pesukim*<sup>\*</sup> about Heavenly blessing which it's the *minhag* to say on the departure of Shabbos (O.C. 295:1). According to the Avudraham, that the lighting is before *havdalah*, "*yiftach Hashem*" [his version of the set of *pesukim*] is said after *both*.

<sup>12</sup> The *Mishnah Berurah* also points out that if the person doing the actual lighting has not in practice said the *havdalah* of the *Shemoneh Esray* (i.e. "*Atah Chonantanu*"), than he of course has to say "*Baruch hamavdil bein kodesh lechol*" before he can do the *melacha*<sup>\*</sup> of lighting a fire [as set forth above in the Halachos of Shabbos (299:10)].

<sup>13</sup> The *Aruch HaShulchan* brings another reason for this: *Havdalah* includes the *bracha* said over the use of fire, so how can one use fire *before* saying that *bracha*?

<sup>14</sup> The *Luach* cites the collection "*Ma'aseh Rav*". This seems clearly to be based on the *Gra*'s position that "*bein haShmashos*" [the intermediate twilight period - see "Principles"] starts when the sun disappears (i.e. *earlier* than the disagreeing authorities hold it is).

<sup>15</sup> "Seventy-two minutes after the sun's disappearance" is the standard interpretation of the position of *Rabbeinu Tam*<sup>o</sup> on how to calculate "when the stars come out" (based on his interpretation of "*bein haShmashos*") [see above 671:1 and "Principles"]. We should point out that R. Moshe Feinstein's "earlier time" for doing *melacha*<sup>\*</sup> on the departure of Shabbos (fifty minutes) is *also* based on *Rabbeinu Tam* (but that's beyond the scope of this volume).

<sup>16</sup> R. Moshe Feinstein explains (based on *Pesachim* 51a) that one cannot follow the *Gra* when that means being *lenient* [since his position is not the one which the majority of authorities have accepted], unless one was a student of the *Gra personally*.

## O.C. *siman* 682 : The Halachos of "*Al HaNissim*" on Chanukah

### The development of: **Se'if 1**

The Shulchan Aruch's ruling for *se'if* 1 (with the Rema) follows the development of four subjects:

#### "AL HANISSIM" IN THE REGULAR SHEMONEH ESRAY

The Gemara (Shabbos 24a<sup>2</sup>):

**The Sages asked:** *Is it appropriate to mention<sup>1</sup> the subject of Chanukah in the Mussaf Shemoneh Esray<sup>2</sup>? [This question itself will be discussed in se'if 2.]*

*[So we see that in the regular Shemoneh Esray it's obvious to them that one has to mention it. This is because the prayer of Shemoneh Esray is said in congregation, and (thus) there is a publicizing of the miracle (Tosafos). After all, the days of Chanukah were "established" for "thanksgiving and saying Hallel" (Rashi - see above 670:1).*

**This is also apparent** from the earlier Gemara about "*Al HaNissim*" in *Birkas HaMazon* (see soon), where the Gemara adds:]

**Rav Sheishes said to them:** *It's like by the Shemoneh Esray [in the following way]: Just as regarding the Shemoneh Esray, the appropriate place [for "*Al HaNissim*"] is in the bracha of "thanksgiving" [i.e. "*Modim*"]<sup>3</sup>, likewise regarding *Birkas HaMazon* - the appropriate place is also in the bracha of "thanksgiving" [i.e. "*Nodeh*"].*

It is also explicit in "*Tractate Sofrim*" [see note to 676:4] that this "mentioning" [which the authorities (as early as the *Gaonim*) call "*Al HaNissim*"] is said in the *Shemoneh Esray*<sup>4</sup> [as quoted in the last subject of this *se'if*].

In the *Sha'ar HaTziyun*, he brings that although the correct place for "*Al HaNissim*" is in the *bracha* of "thanksgiving" [i.e. "*Modim*"], nevertheless, if one mistakenly said it in the *bracha* of "Service" [i.e. "*Retzay*"] (and then finished the *Shemoneh Esray*), then his saying it out of place this way is not a "*hefsek*" ["interruption"] - so he does not have to "go back" [i.e. his *Shemoneh Esray* is good enough this way "after the fact"].

The *Mishnah Berurah* writes [in the Halachos of *Ma'ariv* (*siman* 236 n7)] that on the first night of Chanukah, it's *muttar* to announce "*Al HaNissim*" (as a reminder) immediately before the congregation begins the *Shemoneh Esray*. In the *Sha'ar HaTziyun* (ibid. n4), he adds that it's *muttar only* in *Ma'ariv*. Rav Yaakov Chaim

<sup>1</sup> source's wording: "What is [the Halacha about whether one ought] to mention".

<sup>2</sup> The Gemara (and the authorities) do not generally use the name "*Shemoneh Esray*". It is usually referred to simply as "prayer".

<sup>3</sup> Here again, Rashi explains: "After all, the whole matter of Chanukah was instituted mainly for thanksgiving." The *Beis Yosef* also borrows these words, but he [uncharacteristically] alters them to: "for the whole matter of Chanukah is fundamentally thanksgiving."

<sup>4</sup> However, it *also* says there that it's mentioned in *Birkas HaMazon*, which does *not* fit well with the Gemara's ruling (later in this *se'if*).



Sofer<sup>o</sup> [*Kaf HaChayim* ibid. n17] writes that when "*Al HaNissim*" is *not* announced beforehand, the "*chazzan*"<sup>f</sup> raises his voice for the words "*Al HaNissim*" within his *own* (silent) *Shemoneh Esray*.

IF ONE DID NOT SAY IT (IN THE REGULAR *SHEMONEH ESRAY*)

The Tosefta\* (*Brachos* 3:14):

***On any day which does not have a Mussaf service, such as Chanukah or Purim: In Ma'ariv, Shacharis, and Mincha, one prays "Shemoneh Esray" [i.e. the daily "eighteen" brachos] and adds a supplement "based on the event" in the bracha of thanksgiving [i.e. "Modim"]; [In fact,] if he did not say it - we (do not) have him "go back" so he can say it.***

There are differing versions of the text regarding whether it says we "do not" have him go back. The *Beis Yosef* brings the Rif<sup>o</sup>, who concludes that the correct Halacha is *not* to "go back", because the Gemara itself (*Shabbos* 24a) brings a Baraisa which says that's true whenever there's no *Mussaf* (just that its examples of "days without *Mussaf*" are *fast* days). The *Beis Yosef* also brings Tosafos and the Rosh<sup>o</sup>, who reach the same conclusion from these two sources.<sup>5</sup> (He then explains that the underlying logic here is that one only "goes back" over the supplement of a day which is Torah-mandated [as a "holiday"].) He ends by saying that this is in fact the *minhag* (*not* to "go back"); unlike the position of the Ra'avyah<sup>o</sup> (as brought by the *Mordechai*<sup>o</sup>) that since saying "*Al HaNissim*" is a universal practice, and the person certainly had in mind that he would say it (in the appropriate *bracha*), consequently if someone did not say it - then he must "go back" so he can say it.<sup>6</sup>

The Tur mentions the position of *Rabbeinu Tam*<sup>o</sup>, that whenever one does not have to "go back", he is still *allowed* to "go back" as long as he has not yet "uprooted his feet" [at the end of the *Shemoneh Esray*]. [This issue is mainly discussed in the Halachos of *Shabbos* (294:5).] But the Tur points out [just as he does over there] that this is not the accepted Halacha; so one *may not* go back<sup>7</sup> - once he has said the Name of Hashem in the "closing *bracha*" of "*Modim*" [i.e. "*hatov shimcha*"].<sup>8</sup> The *Mishnah Berurah* writes that once this point has passed, then what one should do is to recite the "*harachaman*" version (saying the "*Al HaNissim*" as a "request"<sup>9</sup>) [see below by "one who did not say it" in *Birkas HaMazon*] before the *pasuk*<sup>\*</sup> "*Yih'yu leratzon*" [at the conclusion of his *Shemoneh Esray*].

<sup>5</sup> However, they imply that the Baraisa in the Gemara would not have been a clear proof, had it not been for the "explicit" Tosefta.

<sup>6</sup> This concept of "turning something into an obligation" has precedent in the Halachos of *Ma'ariv*. (The Tur mentions it in O.C. 235, and the *Mishnah Berurah* in O.C. 237).

<sup>7</sup> The Tur and *Shulchan Aruch* over there say that in fact, the *opposite* is true: If one finished his *Shemoneh Esray*, then he *can* "go back" and repeat it, because a "voluntary *Shemoneh Esray*" is *muttar*. This point (which is based on O.C. 107) is beyond the scope of this volume.

<sup>8</sup> Conversely, once he *has* said the Name of Hashem, he *must* finish the *bracha* - and proceed immediately with the next *bracha* (*Mishnah Berurah* 114 n32, *Sha'ar HaTziyun* 188 n18).

<sup>9</sup> It seems that this could refer to one's intent, or to a slightly different wording (such as "May it be Your will to perform miracles", etc.).

## "AL HANISSIM" IN BIRKAS HAMAZON

The Gemara (*Shabbos* 24a<sup>1</sup>):

*The Sages asked: Is it appropriate to mention<sup>10</sup> the subject of Chanukah in Birkas HaMazon? Should we say that since it is merely a Rabbinical holiday - we do not mention it [since Birkas HaMazon is said at home, and therefore there is not very much publicizing of the miracle (Tosafos)]? Or, perhaps we should rather say that for the sake of publicizing the miracle [i.e. at least somewhat] - we do mention it?*

*Rav Huna's answer<sup>11</sup>: One does not mention it [i.e. he does not have to (Rashi)]; and if he's going to mention it - he mentions it in the bracha of thanksgiving [i.e. "Nodeh"].*

[The similar statement of Rav Sheishes (which is afterwards in the same Gemara) was quoted at the beginning of this *siman*.] In "*Tractate Sofrim*" [see note to 676:4], it says that it is "mentioned", which seems to be in disagreement with our Gemara. However, the *Beis Yosef* in the Halachos of *Birkas HaMazon* (O.C. 187) ends the subject with the words: "[However,] the authorities wrote with no reservation that one *does* have to mention it," which is how the *Shulchan Aruch* writes here [as quoted soon]. Still, we find in the *Mishnah Berurah* there [to *siman* 188:10 (n33)] that the "mentioning" remains in the category of being technically "optional".<sup>12</sup>

The *Mishnah Berurah* adds that we do not "mention Chanukah" in a "bracha derived from three" [i.e. "*Al HaMichyah*" and the like].<sup>13</sup>

## IF ONE DID NOT SAY IT (IN BIRKAS HAMAZON)

The *Beis Yosef* in the Halachos of *Birkas HaMazon* (O.C. 187) points out that the Halacha is obviously<sup>14</sup> that the person does *not* "go back" so he can say it. Then, the *Beis Yosef* brings the Ra'avyah<sup>15</sup> - again holding that since it's

<sup>10</sup> source's wording: "What is [the Halacha about whether one ought] to mention".

<sup>11</sup> source's wording: "Rava said in the name of Rav Sechorah [who said] in the name of Rav Huna."

<sup>12</sup> The *Shulchan Aruch* there rules that even if only the *beginning* of a meal was on Shabbos [i.e. the person started eating bread before nightfall], that obligates "mentioning" Shabbos in *Birkas HaMazon*. The *Mishnah Berurah* there points out that the reverse is also true: Even if only the *end* of a meal was on *Rosh Chodesh* [i.e. the person began on the day beforehand but he ate bread even after nightfall], that obligates "mentioning" *Rosh Chodesh* in *Birkas HaMazon*. Then, the *Mishnah Berurah* presents the "problem" case: If *Rosh Chodesh* comes right after Shabbos, and someone had a meal in that afternoon in which he ate bread *both before and after nightfall*, then according to the above he should have to "mention" *both* Shabbos and *Rosh Chodesh*, which would be self-contradictory. How we deal with *that* difficulty is beyond the scope of this volume, but the *Mishnah Berurah* there brings that if in the above case it would be *Chanukah* that came right after Shabbos, there would be no question what to do: One would certainly "mention" only Shabbos, because "mentioning" Chanukah is regardless "merely optional".

<sup>13</sup> These *brachos* are said after certain significant (but not considered a meal) forms of dining. The Levush<sup>o</sup> (O.C. 208 n12) explains that "*Al HaNissim*" cannot be added to them, because it's "thanksgiving", and the only line of these *brachos* which is phrased as "thanksgiving" comes at the very end, where it's too late to insert anything.

<sup>14</sup> The *Beis Yosef* himself says that it's obvious because the Gemara does not even obligate us to say it at all. He also brings the Smag<sup>o</sup>, who quotes our Tosefta from two subjects ago; so he must mean that once we *prove* that one does not "go back" over the "*Al HaNissim*" of *Shemoneh Esray*, then *certainly* one doesn't "go back" when it comes to *Birkas HaMazon*!

<sup>15</sup> By *Birkas HaMazon*, the source brought for the Ra'avyah's position is the Hagahos Maimonios<sup>o</sup> to the second chapter of *Brachos*. (The *Beis Yosef* calls them the "new" ones; in the Frankel edition of the Rambam it's note 7, in older editions - note 8.)

universal practice, and the person had in mind to say it, so he must "go back" [as above by the *Shemoneh Esray*].<sup>16</sup> But the *Beis Yosef* again brings that the authorities disagree (and he singles out the *Terumas HaDeshen*<sup>o</sup> as disagreeing especially sharply with that position).

Finally, the *Beis Yosef* here (and there) brings the *Kol Bo*<sup>o</sup>, who says that when the one who forgot reaches the "*harachaman*" ["the Merciful One"] section of *Birkas HaMazon* [i.e. assuming that by then he in fact remembered], he should say one for Chanukah: "May the Merciful One perform miracles and wonders, just as You did for our forefathers in those days and in this time - in the days of Matisyah," etc. (and similarly for Purim). (In addition, the *Mishnah Berurah* says that if it is also *Rosh Chodesh*, then one should say the "*harachaman*" of Rosh Chodesh before this one,<sup>17</sup> because that one is "*tadir*" ["The more 'frequent' Mitzvah" - see "Principles".])

So the complete ruling of the *Shulchan Aruch* (with the *Rema*) for *se'if* 1 is: **[On] all eight days of Chanukah, one says "Al HaNissim" in Birkas HaMazon - in the bracha of the Land ["Nodeh"], and in the prayer [of Shemoneh Esray] - in the bracha of "Modim" [thanksgiving]; [On the other hand,] if one did not say it, he need not "go back" [to it]** (here there is a reference [apparently from the *Rema*] to above [in the Halachos of Shabbos] O.C. 294:4-5 [i.e. the above-mentioned rules for when "one need not repeat"]); **however, if one remembered [while he was still] in that bracha, [then] so long as he did not say the Name [of Hashem] yet - and even if he remembered between "attah" [Blessed "are You"] and "Hashem" - he must go back.** The *Rema* adds: **Some hold<sup>18</sup> that when one forgot "Al HaNissim" in Birkas HaMazon, [then] when he reaches the "harachaman" [section] he should say: "May the Merciful One [harachaman] perform miracles and wonders for us - just as You did for our forefathers in those days in this time, in the days of Matisyahu", etc.** (After that, there's another reference, here to the *Rema*'s having already written this in the Halachos of *Birkas HaMazon* {O.C. 187:4}.)

When the Tur taught us that one "goes back" if he has not said the Name of Hashem in the "closing Bracha" of "Modim", that means *repeating* the Name of Hashem which is said shortly *before* the "closing bracha". Furthermore, while the Tur only said this about the *Shemoneh Esray* (where "*Al HaNissim*" is an actual obligation), the *Shulchan Aruch* implies that it's true about *Birkas HaMazon* as well (where there are also Names of Hashem

<sup>16</sup> Those who cite the Ra'avyah with respect to *Birkas HaMazon* refer to a *Yerushalmi* in *Brachos* (55b), which says that one does not repeat *Birkas HaMazon* over "mentioning" *Rosh Chodesh*, because on *Rosh Chodesh* there is no Mitzvah of eating (a bread meal). This is mainly discussed in the Halachos of *Birkas HaMazon* (O.C. 188:7), based on the *Bavli* (*Brachos* 49b) which says the same thing. Apparently, the Ra'avyah's version of the *Yerushalmi* said that on Chanukah the opposite is true; i.e. one *does* have to eat, and consequently one *does* "go back" over its "mention" in *Birkas HaMazon*. Now, anyone would agree with the above-mentioned "obvious" logic of the *Beis Yosef*, that such a *Yerushalmi* cannot possibly fit with the *Bavli*'s saying there's no obligation to "mention" Chanukah in *Birkas HaMazon* at all. But it seems that the Ra'avyah only brought his *Yerushalmi* to show that if the "mention" *would* be viewed as an obligation, then one would have to "go back" in *Birkas HaMazon* since on Chanukah one "has to eat" (in contrast with *Rosh Chodesh*); but of course, in order to say that we view it as an obligation, the Ra'avyah certainly needs his reasoning that "it's universal and he had it in mind." [Parenthetically, for our own discussion of whether "Chanukah meals" are a Mitzvah, see above (670:2).]

<sup>17</sup> From this *Mishnah Berurah*, we see that the references here are to the "*harachaman* section" near the end of *Birkas HaMazon*. There appears to be another position - that the references are to the "*harachaman*'s immediately after the fourth bracha [i.e. right after "*al yechasreinu*".]

<sup>18</sup> From the way the *Mishnah Berurah* discusses this "*harachaman*" (as mentioned above), it seems that he's saying it is the accepted Halacha. Indeed, the *Rema* in the Halachos of *Birkas HaMazon* (187:4) writes it without the phrase "some hold".

between "Al HaNissim" and the "closing bracha"), despite the fact that "Al HaNissim" in *Birkas HaMazon* is not an actual obligation. [The *Mishnah Berurah* (*siman* 582 n16) says the same thing regarding a similar "supplement which is not an actual obligation" ("u'chesov lechayim tovim" in the Days of Repentance).]

Incidentally, the *Mishnah Berurah* brings (from the *Pri Megadim*) that even on Shabbos Chanukah, when one is obligated to eat because it's Shabbos, one still does not "go back" over not having said "Al HaNissim".<sup>19</sup>

#### THE WORDING OF "AL HANISSIM"

The following version appears in "*Tractate Sofrim*" [see note to 676:4] (20:8):

*One says [as follows] in the bracha of "thanksgiving" ["Modim"]: "And the appreciation of [Your] wonders, and the Kohanim's deliverance which You performed in the days of Matisyahu the son of Yochanan the Kohen Gadol and the Hasmonean and his sons; and so too, Hashem our G-d and the G-d of our forefathers, [please] perform with us miracles and wonders - and we shall give thanks unto Your Name forever; Blessed are You Hashem - the Good" [etc.]. And so too, one also mentions the miracles of Mordechai and Esther in the Bracha of "thanksgiving" ["Modim"]. And both of them are mentioned in Birkas HaMazon.*

However, already in the writings of the *Gaonim*<sup>20</sup> we find the more familiar version:

*Over the miracles ["Al HaNissim"], and over the mighty deeds, and over the victories ["teshu'os"], and over the battles, and over the redemption ["pedus"], and over the salvation ["purkan"], which You performed for our forefathers, in those days, at this time: In the days of Matisyah the son of Yochanan the Kohen Gadol, [the] Hasmonean, and his sons, when the wicked Greek<sup>21</sup> kingdom rose up against them - against Your people Israel, to make them forget ["leshak'cham"] Your Torah ["miTorasecha"], and to separate them from the rules that You want; And You, with Your great mercies, stood up for them in the time of their trouble: You fought their fight, judged their judgment, avenged their vengeance. You delivered the strong into the hands of the weak, and the many into the hands of the few, and the wicked into the hands of the righteous, and the impure ["temayim"] into the hands of the pure, and the [wanton] sinners into the hands of those involved in Your Torah. And for Yourself, You made a great and holy Name in Your world; and for Your people Israel, You worked a great victory ["teshu'ah"] - and a salvation ["purkan"] - as [clear as] this very day. And afterwards, Your sons came to the focal point ["devir"] of Your House, and they cleared Your heichal\*, and they purified ["niharu"] Your Beis HaMikdash, and they lit "candles"<sup>22</sup> in Your holy courtyards; and they established eight days with the saying of Hallel and with thanksgiving unto Your Name. And just*

<sup>19</sup> To understand this Halacha, see the above footnote about the Ra'avyah's reasoning.

<sup>20</sup> In particular, we are referring to what we found in the "*Seder Rav Amram Gaon*".

<sup>21</sup> The Hebrew "*Yevanim*" is traditionally translated "Greeks". Whether or not the oppressors of the Jews at the time of the Chanukah miracle should be described as "Greeks" is beyond the scope of this project.

<sup>22</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

*as You performed a miracle with them, so too, Hashem our G-d, [please] perform with us miracles and wonders in this time, and we shall give thanks unto Your great Name uninterruptedly ["selah"].*

[Concerning the "request" at the end of both the above versions, see below in se'if 3.]

The *Beis Yosef* and *Darkei Moshe* (and the *Mishnah Berurah*) bring several detailed points [apparently focusing on versions more like that of the *Gaonim*]:

(1) The *Beis Yosef* brings from the *Orchos Chayim*<sup>23</sup> that the "Hasmonean" ["*chashmonai*"] is Yochanan<sup>23</sup>, and that some hold that the name comes from the *pasuk*\* (*Tehillim* 68:32), "The great ones [*chashmanim*] will bring."

(2) From the same source: Some hold that the word "wicked" (associated with the "Greek kingdom") is a noun [i.e. it means: " - the wicked one"]. According to that, it's pronounced "*haRish'ah*", as in the *pasuk* (*Zechariah* 5:8), "This is the wicked one."<sup>24</sup> However (the *Orchos Chayim* himself says), it is more correct to pronounce it "*ha'Resha'ah*", as an adjective, like the *pasuk* (*Yechezkel* 3:18), "from his wicked path."

(3) From the same source: One can ask: Why do we say "and the [wanton] sinners into the hands of those involved in Your Torah," which are not opposites (like all the others)? One can answer: It's based on the *pasuk* (*Tehillim* 119:51) "[Wanton] sinners mocked me exceedingly, [but] I did not swerve from Your Torah."

(4) The *Darkei Moshe* brings from the Avudraham<sup>25</sup>: [a] One says that the "kingdom rose up against Your people" (i.e. without the extra "against them" in between). (The *Mishnah Berurah* also brings this, adding, "unless he says 'and against Your people' [i.e. so that the word 'them' refers to the named protagonists].") [b] In the phrase, "to make them forget<sup>25</sup> Your Torah," the word for "Your Torah" is simply "*Torasecha*" (i.e. "*miTorasecha*" is incorrect).

(5) The *Mishnah Berurah* writes that at the beginning one says "*And*" over the miracles [etc.], and that at the end one says "these eight days 'of Chanukah'."

## The development of: **Se'if 2**

### "AL HANISSIM" IN THE SHEMONEH ESRAYOF MUSSAF

The Gemara (*Shabbos* 24a<sup>2</sup>):

**The Sages asked:** *Is it appropriate to mention<sup>26</sup> the subject of Chanukah in the Mussaf Shemoneh Esray?<sup>27</sup> [I.e. on the Shabbos and Rosh Chodesh that fall out during the days of Chanukah (Rashi).] Should*

<sup>23</sup> In *Megillah* (11a), *Matisyahu* and "the Hasmonean" are listed separately. This should prove that "the Hasmonean" cannot be *him*.

<sup>24</sup> He also brings a *pasuk* in *Yeshay'ah* (9:17), where the word is also a noun, except that there it means "wickedness".

<sup>25</sup> The word quoted above for "to make them forget" is "*leshak'cham*". We find this form in the Avudraham himself, as well. But in the *Darkei Moshe* (who also refers to additional sources for this point) and *Mishnah Berurah*, the familiar "*lehashkeecham*" is used. [This also seems to fit better with the Avudraham's "source *pasuk*" itself (*Yirmiyah* 23:37), "to make My nation forget ("*lehashkee'ach*") My Name."]

<sup>26</sup> source's wording: "What is [the Halacha about whether one ought] to mention".

<sup>27</sup> source's wording: "in *Mussaf(s)*". Rashi points out that it refers to prayer. As noted by the previous *se'if*, the Gemara (and the authorities) do not generally use the name "*Shemoneh Esray*"; it is usually referred to simply as "prayer".

we say that since we would not say *Mussaf* on Chanukah in its own right at all<sup>28</sup> - [therefore] we do not mention the subject of Chanukah in *Mussaf*? Or, perhaps we should rather say that since **this day itself** calls for saying *Shemoneh Esray* four times,<sup>29</sup> [consequently **this** *Shemoneh Esray* is no less deserving than the others (Rashi)]?

**Rav Huna and Rav Yehudah both said:** One does not mention it. **Rav Nachman and R' Yochanan both said:** One does mention it.

**In the end, the Gemara says that the Halacha is** [that one does mention it,] like that which R' Yehoshua ben Levi said: On Yom Kippur which falls out to be on Shabbos, one who says the *Shemoneh Esray* of Ne'ilah\* has to mention the subject of Shabbos, since **this day itself** calls for saying *Shemoneh Esray* four times [in the daytime (Rashi)]. The Halacha is **not** like the "other teachings" [of Rav Huna and Rav Yehudah and those who say similarly<sup>30</sup> (Rashi)].

Accordingly, the *Shulchan Aruch* rules: **In the [Shemoneh Esray of] Mussaf (of Shabbos and of Rosh Chodesh) as well, one has to mention [the subject] of Chanukah, even though there is no Mussaf [inherently] on Chanukah.**

#### IF ONE DID NOT SAY IT (IN MUSSAF)

The *Beis Yosef* says the *Hagahos Mordechai*<sup>o</sup> rules that one would have to "go back" so he can say it. He points out that the *Hagahos Mordechai* implies that others disagree with that. Therefore, the *Beis Yosef* explains that the *Hagahos Mordechai* himself is working with the approach of the Ra'avyah<sup>o</sup> [in the previous *se'if*], whereas according to our accepted ruling that even by a *regular Shemoneh Esray* one does not "go back", so how could we even discuss "going back" in *Mussaf*? Likewise, the *Mishnah Berurah* writes that one does not "go back". [The *Beis Yosef* here quotes a puzzling "responsum of the Rashba"; we omit it. (As the *Mor U'Ketzi'ah* points out, it's full of mistakes, and it doesn't seem that it can be from the Rashba at all.)]

#### The development of: **Se'if 3**

#### TO REQUEST "JUST AS YOU PERFORMED" (ETC.) IN "AL HANISSIM"

As quoted above, the text from "*Tractate Sofrim*" concludes with the request: "And so too, [please] perform with us miracles," etc. The text we quoted from the *Gaonim* ended similarly: "And just as You performed a miracle with them, so too," etc.

<sup>28</sup> source's wording: "since it [i.e. Chanukah] does not have a *Mussaf* [service] in its own [right]."

<sup>29</sup> source's wording: "it's the day [itself] which has the obligation of four prayer [service]s."

<sup>30</sup> source's wording: "And the Halacha is not like "all these" teachings, but rather like that which R' Yehoshua ben Levi said", etc. [Before this conclusion, the Gemara brought a number of other teachings in between, which we omitted here.]

However, this is questioned in a discussion in Tosafos (*Megillah* 4a):

**Some hold that one should not include a "Just as You performed" request<sup>31</sup>, because the Sages said (*Brachos* 34a): "A person must never request his needs in the first three brachos of the *Shemoneh Esray* or in the last three *Brachos*."**

**But that reasoning is senseless:** After all, that principle is only applicable when it comes to praying in the singular [i.e. for the individual], whereas praying for the general public is *muttar*.

**Still, I hold that one in fact should not say it for a different reason:** The Sages said (*Pesachim* 117b) that the text for a matter which is "pertaining to the future" was always instituted with its wording formulated "pertaining to the future".<sup>32</sup> Therefore, since thanksgiving<sup>33</sup> is a matter "pertaining to the past", they [must have] instituted the form "*Al HaNissim*" [without requests] so it would be [entirely] "pertaining to the past".

The Tur<sup>o</sup> brings an example to prove that a request for the public is *muttar* in the last three *brachos*: the supplement "*Ya'aleh VeYavo*", which is said in the Bracha of "Service" ["*Retzay*"] on most *Yamim Tovim*<sup>\*</sup> [in which we request that Hashem "take note of us" and help us]. In any case, the *Shulchan Aruch* does rule like this differentiation of Tosafos, in the Halachos of the *Shemoneh Esray* (O.C. 112:1). The *Mishnah Berurah* there explains the reasoning: The first three *brachos* and the last three *brachos* are indeed reserved for showing honor to Hashem; however, to express that the public depends on Him is *inherently* a demonstration of His honor.

As for our subject itself, the Tur reports that the Rosh<sup>o</sup> would not recite a "Just as" request; rather, he concluded "*Al HaNissim*" with the words: "And You performed for them miracles and wonders, in those days at this time." The *Me'iri*<sup>o</sup>, on the other hand, defends the request, saying that since in any case "*Al HaNissim*" is "primarily thanksgiving", so therefore "concluding with a little prayer doesn't hurt." The final analysis of the *Beis Yosef* (which includes bringing the *Orchos Chayim* as defending the "Just as" request, and mentioning that the Rambam supports it) ends with the conclusion: "Whatever you do - you're covered."

In fact, the *Shulchan Aruch* brings the stringent position of Tosafos and the Rosh "anonymously": **One does not say "Just as You performed" etc., but rather one concludes: "And You performed for them miracles and might[deed]s, in those days at this time"; [On the other hand,] some hold that one does say it [i.e. the "Just as" request].**

<sup>31</sup> source's wording: "There are those that do not say 'Just as'."

<sup>32</sup> This principle, as formulated by Tosafos, is not what the Gemara says. Rather, it lists cases where a *bracha* in the *Shemoneh Esray* is expressed in future tense, as opposed to a parallel *bracha* found elsewhere which says the same thing but in past tense. (For example, in the middle of the *Shemoneh Esray* there is a *bracha* which calls Hashem "the [future] Redeemer of Israel", whereas the parallel *bracha* after the *Sh'ma* {and on Pesach night} ends "Who redeemed Israel".) The Gemara repeatedly explains the reason for the difference: because in the *Shemoneh Esray*, "it's prayer." The Tosafos apparently interprets this as meaning that *there*, it's a matter which is "pertaining to the future". The *Mishnah Berurah* in the Halachos of *Sh'ma* (*siman* 66 n33) explains the idea as follows: "[The *bracha* here ends] 'Who redeemed Israel', [in] past tense, because it refers to the 'redemption of Egypt' [i.e. the original Exodus], but in [the parallel *bracha* in] the *Shemoneh Esray* prayer one says 'the [future] Redeemer of Israel', because 'it's prayer' - and [that means] one is praying about the future."

<sup>33</sup> This seems to refer to the *bracha* ["*Modim*"], and *not* to the requirement of *supplementary* "thanksgiving" in connection with Chanukah.

That seems to decide clearly in favor of Tosafos, but the *Mishnah Berurah* brings the *Beis Yosef's* conclusion that "whatever you do - you're covered."



**O.C. *siman* 683 : Hallel is Completed on all Eight Days of Chanukah****The development of: *Se'if* 1**

## HALLEL ON THE EIGHT DAYS OF CHANUKAH

The Gemara (*Erchin* 10a<sup>4</sup>):

**Everyone must say the complete Hallel on the following days<sup>1</sup>** (said R' Yochanan in the name of R' Shimon ben Yehotzadak): All the days of Sukkos, the eight days of Chanukah, the initial Yom Tov\* of Pesach, and Shavuos.

**Why is it that on Pesach we say Hallel only on the initial Yom Tov?<sup>2</sup>** The Gemara's answer: On Sukkos we say Hallel every day, because its days are different from one another - with respect to their offerings [since the number of bulls to be offered decreases with each passing day of Sukkos (*Rashi*)]. In contrast, the days of Pesach are not different from one another that way.

**Why don't we say Hallel on Shabbos?<sup>3</sup>** The Gemara's answer: It is not referred to [in the Torah] as an "appointed time" ["*mo'ed*"].

**If so, why isn't Rosh Chodesh on the list?<sup>4</sup>** The Gemara's answer: It's not considered "sanctified as a festival", because it's *Muttar* to do *Melacha*\* then. (It is written [*Yeshaya* 30:29]: "The 'song' [of the future] will be for you like [the Hallel 'song' of] the night when the festival becomes sanctified". We derive from here that only a time which is "sanctified as a festival" requires Hallel.)

**How, then, do we understand Chanukah?<sup>5</sup>** (I.e. Chanukah is not called an "appointed time", and it is not "sanctified" with respect to doing *melacha*, so why do we say Hallel?) The Gemara's answer: It's because of the miracle.

<sup>1</sup> source's wording: "[The following are the] eighteen days on which [even] an individual completes Hallel." [The remainder of the statement includes the number of days for each holiday, which all add up to eighteen - for people in the Land of Israel. Then the statement continues to show how in the *Diaspora*, where most *Yamim Tovim* are extended for a second day, the numbers add up to a total of *twenty-one* days.]

<sup>2</sup> source's wording: "What is distinct about 'the Festival' [i.e. Sukkos] that [explains the fact that] we say [Hallel then] every day, and what is distinct about Pesach [i.e. conversely] that [explains the fact that] we do *not* say [Hallel then] every day?" (Saying the "incomplete Hallel" on the last six days of Pesach [which is mainly discussed in O.C. 490:4] is apparently considered "not saying" when compared with the "complete Hallel" which our Gemara is discussing. [The *Ran*° in Shabbos (11b of the *Rif*°) implies that the Gemara here mentioned "completing" the Hallel *intentionally* to convey that during the rest of Pesach one says it "incompletely".])

<sup>3</sup> source's wording: "[Then on] Shabbos, which *is* different [from other days] with respect to its offerings, shouldn't one [also] say [Hallel]?"

<sup>4</sup> source's wording: "[Then on] *Rosh Chodesh*, which *is* called "an appointed time", shouldn't one [be obligated in accordance with this Halacha to] say [Hallel]?" *Rashi* cites *Ta'anis* (29a), which derives from the *pasuk*\* (*Eichah* 1:15), "He proclaimed an appointed time against me," that Hashem caused *Rosh Chodesh* to be delayed by a day so that the *Beis HaMikdash* would be destroyed on the chosen date, the ninth of the month of Av. Thus (explains *Rashi*), that *pasuk* has called *Rosh Chodesh* an "appointed time". (Saying the "incomplete Hallel" on *Rosh Chodesh* [which is mainly discussed in O.C. 422:2, based on *Ta'anis* 28b] is apparently considered "unrelated" to the "complete Hallel" which our Gemara is discussing.)

<sup>5</sup> source's wording: "But isn't there Chanukah, which has neither this [requirement] nor that [requirement]?"

*In that case, on Purim, which also has a miracle, shouldn't we say Hallel? (1) R' Yitzchak answered: We do not say Hallel over a miracle that took place outside the Land of Israel.<sup>6</sup> (2) Rav Nachman answered: The Megillah reading is Purim's Hallel. (3) Rava answered: The Chanukah miracle fits the *pasuk*\* in Hallel (Tehillim 113:1): "Praise [Hashem] O servants of Hashem", which implies that **as a result of the miracle** the Jews could be **exclusive** servants of Hashem, i.e. "and not servants of Pharaoh." In contrast, on Purim, could one say "Praise [Hashem] O servants of Hashem", implying that **as a result of the miracle** the Jews could be **exclusive** servants of Hashem, i.e. "and not servants of Achashverosh"?! When the book of Esther ends, we are **still** the servants of Achashverosh! [Therefore, we do not say Hallel.]*

The Gemara did not explain why Hallel is said (in its entirety) on every day of Chanukah (i.e. like Sukkos, as opposed to Pesach). The *Beis Yosef* brings three explanations from the *Shibolei HaLeket*<sup>o</sup>:

(1) Here, too, the days of Chanukah are different from one another - with respect to the number of candles to light [as discussed above 671:2].

(2) With each succeeding day, there was an added manifestation of the miracle [as mentioned by the Gemara brought above 676:1]. (The *Mishnah Berurah* brings this explanation [and refers to the *Beis Yosef*'s bringing of the others].)

(3) The Chanukah Torah reading is "the altar-dedication of the princes" [as will be discussed in the next *siman*], and each day a different prince's turn came, and *he* had to said Hallel then because of the offerings he was bringing.<sup>7</sup>

In any case, the *Shulchan Aruch* rules: **Hallel is completed on all eight days of Chanukah.** [The *Rema*'s addition follows the next subject.]

The *Mishnah Berurah* writes that the Hallel is followed by "half-Kaddish". He adds that a mourner cannot say the Hallel [see above (671:7) about whether this precludes "A mourner being the '*chazzan*'\* on Chanukah"], and he refers to a disagreement of the authorities about whether Hallel cannot be said even in the *house* of a mourner.

Tosafos in *Sukkah* (38a) points out that the Mishnah there clearly indicates that women are not obligated in Hallel. Tosafos then points out an apparent contradiction: From the Gemara in *Pesachim* (108a), we can deduce that women are obligated in saying Hallel on Pesach night! Tosafos's answer is that the Mishnah in *Sukkah* is only referring to Hallel on Sukkos, or on Shavuot, and women are in fact not obligated in Hallel then because it's a positive time-bound Mitzvah [and the Mishnah's rule (*Kiddushin* 29a) is that women are generally exempt from such Mitzvahs]; but on Pesach, about which the Gemara says that "women were also [involved] in the miracle" [see above by 675:3], consequently they are obligated in saying Hallel *then* - because that Hallel is said over the miracle.

The Rambam codifies the above Mishnah in *Sukkah* and makes no distinction between Sukkos and Pesach; so it seems that he disagrees with Tosafos, and holds that women are *never* obligated in Hallel. An additional proof

<sup>6</sup> Before giving the next answer, the Gemara brings a Baraisa which says that this condition (that a Hallel-worthy miracle can only be in the Land of Israel) only took effect when the Jews entered the Land. In addition, the Gemara later on proposes that the condition went *out* of effect when the Jews went into exile.

<sup>7</sup> The conclusion in the *Beis Yosef* reads: "and it is inappropriate to have a new Torah reading without Hallel"; the flow seems unclear.

to this is the Chanukah aspect: According to Tosafos's reasoning, women should be obligated in Chanukah's Hallel, since that's *also* referring to a miracle, about which the Gemara *also* says "women were also [involved] in it"; but the Rambam included the entirety of the Halachos of Hallel *within his Halachos of Chanukah*, including the piece from the Mishnah in *Sukkah* (3:14), so it seems clear that he *must* hold that women are not obligated on Chanukah itself [i.e. *not* like Tosafos]!

The *Bi'ur Halacha* writes by the Halachos of *Rosh Chodesh* (O.C. 422:2) that women are not obligated "except for the Hallel of Pesach night, in which they are obligated because 'they too were [involved] in that miracle, as Tosafos wrote." *We can ask*: Given the above background, should women in fact be obligated to say Hallel on Chanukah? [Note: The above *Bi'ur Halacha* points out that it's certainly *muttar* for women to say Hallel, with the *bracha* (in keeping with the *Ashkenazi minhag* to follow the authorities who hold that way about positive time-bound Mitzvahs in general).]

#### SAYING TACHANUN (ETC.) ON CHANUKAH

The *Darkei Moshe* brings (from the Maharil and the *Sefer HaMinhagim*) that the days of Chanukah are "days when *Tachanun* is not said" [see "Principles"], and that we also do not say the *pesukim*\* of "*Tzidkascha*" [during Shabbos *Mincha*], "*LaMenatzayach*" [at the end of *Shacharis*], or "*Keil Erech Apayim*" [a prayer said before the reading of the Torah]. The *Darkei Moshe*'s list concludes by adding that *Tachanun* is omitted even from the *Mincha preceding* Chanukah [i.e. unlike a dissenting position mentioned in the Halachos of *Tachanun* (O.C. 131:6)].

Accordingly, the *Rema* adds: **[In addition, on] all eight days of Chanukah, *Tachanun*, "*Tzidkascha*", "*LaMenatzayach*", and *Tziduk HaDin* [formal "acceptance of the judgment" - see "Principles"] are not said** [this last item was mentioned above (670:3) as well]; **and [this applies] also at *Mincha* on the day before Chanukah, and see above [O.C.] *siman* 131.**

The *Mishnah Berurah* "restores" to the list "*Keil Erech Apayim*" (which the *Rema* left out), and adds that the "*yehi ratzon*" prayers for after the reading of the Torah are also not said on Chanukah.

## **O.C. *siman* 684 : The Order of the Torah Reading on Chanukah**

### *The development of: Se'if 1*

#### THE TORAH READING OF CHANUKAH ON WEEKDAYS (GENERAL GUIDELINES)

The Mishnah (*Megillah* 30b<sup>3</sup>):

**[For the Torah reading] on Chanukah, we read from the section [in the parsha of "Naso" (Tur<sup>o</sup>)] describing the offerings of the princes of the tribes. [For that was a "dedication of the altar", and in the time of the Chanukah miracle as well there was a "dedication of the altar" (Rashi).]**

The Tur<sup>o</sup> clarifies the reason for the choice of that section, by referring to the Midrash which said that "the work of the Mishkan<sup>\*</sup> was finished on the twenty-fifth of Kislev" [quoted in full above (670:2)]. He also writes that the reading consists of three *aliyahs*. [The fact that this is true of Chanukah (and of Purim, i.e. any day when there is no *Mussaf* service) is not stated explicitly, but can be deduced from the Mishnah in *Megillah* (21a),<sup>1</sup> and from the Gemara (ibid. 22a).<sup>2</sup>] (The *Mishnah Berurah* mentions that the Torah reading is followed by "half-Kaddish".)

Accordingly, the *Shulchan Aruch* starts the *se'if* by ruling: **We read from [the section on] the offerings of the princes, which is in the parsha of "Naso"**.

The remaining parts of the *se'if*, which include more precise guidelines, follow the coming subjects. To understand the details, let's note the structure of the *pesukim*<sup>\*</sup> in the entire section which is to be discussed:

- (1) Before "the princes", there is a section on the *bracha* given by *kohanim* (*Bamidbar* 6:22-27).
- (2) Then, the offerings of the princes are introduced (ibid. 7:1-11).
- (3) Next are the twelve identical descriptions of the princes' daily offerings (ibid. 7:12-83).
- (4) "*Naso*" concludes with a summary of the above, and one transitional *pasuk* (ibid. 7:84-89).
- (5) The next *parsha*, "*Beha'alo-secha*", begins with a section on the Menorah (ibid. 8:1-4).

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<sup>1</sup> It states there (translated loosely): "On Monday, on Thursday, and at *Mincha* on Shabbos, we read with three *aliyahs* - no less and no more, etc. [Other kinds of days (and their *aliyah* amounts) are then listed, and the Mishnah concludes:] This is the rule: On any day which has a *Mussaf* service but is not a *Yom Tov*<sup>\*</sup> - we read with four *aliyahs*; on a *Yom Tov* - five; on *Yom Kippur* - six; on Shabbos (morning) - seven." This implies that *any time* there isn't even a *Mussaf* service - we read with three *aliyahs* (just like Monday and Thursday).

<sup>2</sup> It's pointed out there that on fast days the "*Aneinu*" supplement is said, and the question is asked whether this has a significance for those days similar to having a *Mussaf* service; and the Gemara clearly assumes as obvious that if it's *not* like having a *Mussaf* service, then we read with only three *aliyahs*.

[Note: In the Shulchan Aruch's order for the se'if, the following subject comes **after** the one we will discuss afterwards.]

THE BASIC SYSTEM OF THE DAILY READING (I.E. FOR DAYS TWO THROUGH SEVEN, WHEN IT IS A WEEKDAY)

As will quickly become clear, the "essential" reading of each day is the mini-section describing the offerings of one prince, whose "day number" (which the Torah states at the start of each mini-section) corresponds to what number day of Chanukah it is. This results in a complication: Any single Torah reading must always consist of at least *ten pesukim*<sup>\*</sup>, and the above mini-sections each contain exactly *six pesukim*. Now, on the first and eighth days, this could be irrelevant, if it's deemed appropriate for the first day's reading to start *before* its own mini-section, and/or for the eighth day's reading to extend *past* its own mini-section. Still, at least on days two through seven, we need to know whether it's appropriate to include in the reading *the mini-section which corresponds to a different day of Chanukah*.

The instructions in "*Tractate Sofrim*" [see note to 676:4] (20:11) are as follows:

***On the eight days of Chanukah, we "read in advance"***<sup>3</sup>, which means that we read [the mini-section that begins] "*On the second day*" - even at the reading of the **first** day, and we read "*On the third day*" even on the **second** day; and similarly with "*On the fourth day*", "*On the fifth day*", "*On the sixth day*", "*On the seventh day*", and "*On the eighth day*". In this manner, we complete the required amount of *ten pesukim*<sup>\*</sup> [per Torah reading].

On the other hand, the Tur<sup>o</sup> here writes:

***On the second day***, the kohen reads from "*On the second day*" until [and not including] "*One bull - a child of the cattle*" [i.e. exactly three *pesukim*], and the levi reads from there until [and not including] "*On the third day*" [i.e. exactly three more *pesukim*], and the ordinary "*yisrael*" goes back and reads again - from "*On the second day*". And on each [subsequent] day, we [continue to] do likewise.

The *Gra* points out that there is a similar disagreement in the Halachos of Sukkos (O.C. 663:1) [note that in the Tur and *Shulchan Aruch*, that precedes our discussion in the Halachos of Chanukah]. The Torah reading for the *Chol HaMo'ed* days of Sukkos is as follows: Each day, we have to read the *pesukim* about the *Mussaf* offering for that day of Sukkos. However, in the *pesukim* about each day, there are only enough for one *aliyah*. Now, in the Diaspora, each day of *Chol HaMo'ed* is considered to be "in doubt" as to whether it's really the day of Sukkos that the calendar says it is - or in fact it's one day within Sukkos *earlier*. As a result, we can definitely read the *pesukim* of two days' worth of *Mussaf* offerings, which is enough for two *aliyahs*. We can also concoct a third *aliyah* which is not identical to any other, i.e. by reading the *pesukim* of *both* of the appropriate two days *together*. Still, on *Chol HaMo'ed*, we read *four aliya*hs! Addressing this, the Tur and the *Shulchan Aruch* over there rule like the position of the Rif<sup>o</sup> and the Rosh<sup>o</sup>, that for the missing *aliyah* we read the set of *pesukim* of one of the two relevant days - the first, to be specific - even though that's an exact repetition of the first *aliyah*. On the other hand, the *Rema* writes that "our [*Ashkenazi*]

<sup>3</sup> There is actually a version of the text which reads: "we do not '[read in] advance'." However, by preferring the other version, the position that we do "read in advance" (i.e. in contrast with the Tur quoted below) is depicted more clearly.

*minhag*" is like the position of Rashi, that for the missing *aliyah* we read the *pesukim* of the *next* day's offerings, even though it's not really appropriate for the current day of *Chol HaMo'ed*.

We already realize that the Tur here is consistent with his ruling there (to choose "repeating" over "straying"). The *Gra* says that both sides of the disagreement choose the same approach here as they did there. Sure enough, the *Darkei Moshe* here (concerning Chanukah) says "the [Ashkenazi] *minhag*" is that the [ordinary] "*yisrael*" reads the mini-section of the *next* day's prince [i.e. "reading in advance" like "*Tractate Sofrim*" said<sup>4</sup>].

Accordingly, the S.A picks up [again, note that this piece of the *se'if* is being quoted out of order], agreeing again with the Tur: **On the second day, the *kohen* reads "On the second day" - until "one bull - a child of the cattle", and the *levi* - until "On the third day", and the [ordinary] "*yisrael*" goes back and reads [again] "On the second day", and [the readings continue] with this pattern, for each [subsequent] day.** Predictably, the *Rema* inserts: **[However,] some hold that the [ordinary] "*yisrael*" reads from [the mini-section of] the day afterwards, i.e. "On the third day", and so on for each [subsequent] day; and that is [indeed] "the [Ashkenazi] *minhag*."**

The *Mishnah Berurah* writes that if the *pesukim* of the wrong day were read, then "after the fact" that's good enough (i.e. reading from the correct day is not *crucial*). [The *Sha'ar HaTziyun* cites the source for this as the Chida<sup>o</sup>, who is a *Sefardi* authority, and as such is referring *even* to the approach of the *Shulchan Aruch* (as is the *Sefardi* practice), which is to *strongly avoid* straying from the correct day's mini-section. Naturally, all the *more* so, it's obvious that the *Mishnah Berurah* can apply it for *Ashkenazim* as well.]

The *Gra* concludes by pointing out that the Tosefta seems to support the approach of the Tur and the *Shulchan Aruch*. A few authorities suggest that this is why the *minhag* in the Land of Israel is to follow that approach (i.e. even among *Ashkenazim*); i.e. because the tradition of the *Ashkenazim* in the land of Israel, in the majority of cases, is to follow the positions of the *Gra*.

As for the Halacha of the Chida (that "after the fact" even "the wrong day" is okay), Rav Yaakov Chaim Sofer<sup>o</sup> [*Kaf HaChayim* n8] brings a disagreement about whether he's only referring to a case where the *Sefer Torah* was already returned to the *Aron HaKodesh*<sup>o</sup>, and not when it's still on the *bimah*<sup>o</sup>. (He also brings that if a synagogue "missed" some day's reading [as in the Chida's case], they do not "make it up" the next day.)

[Remember that in the *Shulchan Aruch*'s order, the following subject comes **before** the one we just discussed.]

#### THE FIRST DAY'S READING (AND ITS ORDER WHEN THAT'S A WEEKDAY)

The logical starting point here is the Tur<sup>o</sup>:

***The first thing we read for Chanukah is the starting pasuk*<sup>\*</sup> (*Bamidbar* 7:1): "And it was - on the day when Moshe completed", etc. [On the other hand,] there are some places where they begin with the *bracha* given by the *kohanim* (*ibid.* 6:22-27); and that's a fine *minhag*, because the miracle was performed**

<sup>4</sup> The *Darkei Moshe* here calls this the position of the *Hagahos Maimonios*<sup>o</sup>. For the parallel decision in the Halachos of Sukkos, the *Darkei Moshe* there cited the Mahari<sup>l</sup>.

through kohanim. And the order is as follows: On the first day, one begins with the pasuk of "the day when Moshe completed", and the introductory pesukim (i.e. from that point on) are read with the kohen and levi, and the [ordinary] "yisrael" reads the pasuk of "on the first day" (ibid. 7:12) [i.e. and proceeds to complete the day's mini-section].

Concerning **where exactly to start**, the Rambam writes that it's with the *bracha* of the *kohanim* (as opposed to the above Tur, which clearly favors leaving that out and starting with the introduction, i.e. "on the day when Moshe completed"). As for **how to divide the day's reading into three**, the *Darkei Moshe*<sup>5</sup> goes along with the basic approach of the above Tur (assigning the day's mini-section to the [ordinary] "yisrael"), and clarifies that the *kohen* reads only until "before the *Mishkan*"\* (i.e. the end of *Bamidbar* 7:3), and the *levi* reads the rest of the introduction. (A *minhag* contrary to the Tur's basic approach is brought in the *Rema* [as quoted soon].)

The *Shulchan Aruch* picks up [again, note that the previously quoted piece of the *se'if* was out of order], first ruling like the Rambam about "starting": **And we begin with the *bracha* of the *kohanim***. The *Rema* inserts: **[However,] some hold that we begin [with] "on the day that Moshe completed," and that's our [Ashkenazi] minhag**. The *Shulchan Aruch* continues ("dividing" like the Tur): **And one reads "this" [i.e. all the *pesukim* until the end of the "introduction"] for the *kohen* and *levi*, and the [ordinary] "yisrael" reads "on the first day"**. The *Rema* inserts: **[However,] some hold that the *kohen* reads the entire [introductory] "*parsha*" - until [just before the *pasuk*] "on the first day", and the *levi* and the [ordinary] "yisrael" read "on the first day" [etc.], and that's "the [Ashkenazi] minhag"**.

The *Mishnah Berurah* implies that the two above ways of "dividing" are *equally* valid. On the other hand, he writes that a *minhag* for the *kohen* to read *only* the *bracha* of the *kohanim* is an improper *minhag* (and must be abandoned), because all three *aliyahs* need to include "the material of the day" (i.e. the general section on the offerings of the princes).

#### THE EIGHTH DAY'S READING (AND ITS ORDER WHEN THAT'S A WEEKDAY)

Just as in the previous subject, there are two issues here: exactly where to end, and how "divide" into three.

The Rambam says **the reading ends** at the end of the *parsha* (of "*Naso*"). This means that after the day's mini-section, we will also read the mini-sections of princes nine through twelve, and the summary of all the offerings (along with the one "transitional" *pasuk*\* at the end of the *parsha*). The Tur<sup>o</sup> writes "anonymously" exactly that; and then he adds that "there are some places" where they read all the way through the first mini-section of "*Beha'alo-secha*", "in order to complete [the reading] of Chanukah with 'the order of the candles' [in the Menorah],"

<sup>5</sup> Our text of the *Darkei Moshe* cites the *Sefer HaMinhagim*<sup>o</sup> as saying this. However, that source actually sets forth the *minhag* written in the *Rema* [quoted soon]. The *minhag* described by the *Darkei Moshe* can be found in *glosses* to the *Sefer HaMinhagim* (citing the *Ohr Zarua*<sup>o</sup>); it has been suggested that the text of the *Darkei Moshe* be emended accordingly.

and he says that this too is "a fine *minhag*". This *minhag* is also what it says to do in "*Tractate Sofrim*" [see note to 676:4], and the *Gra* brings a basis for saying there's an even deeper relevance.

That source is what the Midrash says about these very *pesukim* (*Tanchuma*<sup>6</sup> *Beha'alo-secha* 5):

*[Aharon, the prince of the tribe of Levi, had not offered anything together with the princes of the other twelve tribes.] So Aharon lamented, "Woe is to me, for perhaps because of my sins - the tribe of Levi is not accepted by HaKadosh Baruch Hu\*!"*

*So HaKadosh Baruch Hu said to Moshe: "Go and say to Aharon: Do not be afraid - you are designated for something greater than this!" And thus it is written (Bamidbar 8:2): "Speak to Aharon and say to him: When [the time comes] - you 'raise up' [and light the 'candles'<sup>7</sup> of the Menorah]!"*

*For HaKadosh Baruch Hu was telling Aharon: When it comes to the offerings (which the other princes just initiated) - they will only be practiced while the Beis HaMikdash still stands. But as for "the candles" - they shall shine<sup>8</sup> forever! ["And what 'candles' could He be saying would outlast the Beis HaMikdash and its offerings, if not those of Chanukah, which came about through Aharon's descendants the kohanim?" (Ramban, beginning of "Beha'alo-secha").]*

Accordingly, the *Shulchan Aruch* ends the *se'if* (ruling like the *minhag* from the Tur): **On the eighth day, we begin [with] "On the eighth day", and we complete the entire *parsha*, and we [also] read the first "*parsha*" [i.e. mini-section] of "*Beha'alo-secha*".** The *Rema* adds: **And "the *minhag*" is to conclude: "so he made the Menorah."** [This *Rema* seems very strange, since the *Shulchan Aruch* already ruled like that position.]

As for **how to "divide"** the reading into three, the *Darkei Moshe* brings from the *Sefer HaMinhagim*<sup>9</sup> that the *kohen* and *levi* share the day's mini-section as usual, and the [ordinary] "*yisrael*" reads the rest<sup>9</sup>. This is also what the *Mishnah Berurah* writes.

However, *we can ask*: Does that "division" fit with the *Shulchan Aruch's* approach of "repeating rather than straying" discussed above? Perhaps the *Shulchan Aruch* [and consequently *Sefardim*] would insist that the [ordinary] "*yisrael*" must *also* read from "that day's material" (just that *he* would then *continue* until the end of the reading)!

<sup>6</sup> The *Gra* cites the "*Pesikta*" (apparently an obscure one). Our *Tanchuma* is cited by the Ramban (at the beginning of the *parsha*), and his explanation of *that* seems to match the *Gra's intent*, in any case.

<sup>7</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>8</sup> source's wording: "*forever* 'in the direction of the "face" of the Menorah' [they shall shine]." The focus of the quoting of a *pasuk* in the Midrash is often what it says immediately *after* the part of the *pasuk* which is explicitly quoted; in this case, the word "*ya'iru*" - "they shall shine".

<sup>9</sup> A gloss to the Mahari<sup>l</sup> points out that on *this* day, the *levi* could have received an "entire day" of his own (i.e. that of the ninth prince), but the correct choice is for us to have the *aliyah* honorees [i.e. as many of them as possible] reading from "the day's obligation".



**The development of: *Se'if 2***

## THE TORAH READING OF SHABBOS CHANUKAH

Most holidays which fall on Shabbos entirely displace the weekly *parsha*. However, from the Gemara about "the Torah reading when *Rosh Chodesh Teiveis* is on Shabbos" [in the next *se'if*], we will see that this is not true about *Rosh Chodesh* or Chanukah, but rather - each of the two calls for taking out an extra *Sefer Torah*, from which to read the day's material.

Accordingly, the *Shulchan Aruch* writes [as did the Tur<sup>o</sup>]: **On the Shabbos which is within Chanukah, we take out "two scrolls" [i.e. two *Sifrei Torah*]; from the first, the *parsha* of the week is read; and from the second, [the material] for Chanukah is read.** [The remaining parts of the *se'if* follow the next two subjects.]

The *Mishnah Berurah* explains that as usual, the weekly *parsha* is divided into the main seven *aliyahs* of Shabbos (at least), after which "half-Kaddish" is said. He adds that the Chanukah reading [which is of course "*maftir*"] is reduced to being just the mini-section of that day's prince (and this is a general rule for whenever Chanukah *shares* the Torah reading), but on the *first* day of Chanukah - we start with the "introductory" *pesukim*<sup>\*</sup> [i.e. *Bamidbar* 7:1-11] first.

THE "*HAFTARAH*" OF THE *SHABBOSIM* OF CHANUKAH

The Gemara (*Megillah* 31a<sup>4</sup>):

**[When it comes time for the "*haftarah*" (i.e. on the Shabbos of Chanukah)],<sup>10</sup> we read a passage called "the 'candles'<sup>11</sup> of Zechariah" [because of the *pasuk*<sup>\*</sup> which it contains: "I saw, and behold - an entirely golden candelabra {'menorah'}" (*Mishnah Berurah*)].**

**And if two *Shabbosim* fall out on Chanukah: On the first one, we read the passage called "the 'candles' of Zechariah"; and on the latter one, a passage called "the candles of Shlomo".**

Accordingly, the *Shulchan Aruch* continues to write [as did the Tur<sup>o</sup>]: **And [the honoree] reads as the "*haftarah*" [the passage beginning with] "Exult and be happy" [ "*Rani VeSimchi*" ] (*Zechariah* 2:14); and if two *Shabbosim* fall out within it, [then] on the second, [the honoree] reads as the "*haftarah*" from [the passage called] "the 'candles' of Shlomo", in [the book of] *Melachim*. [The latter apparently must refer to the section which includes *Melachim* I 7:49, which tells of "*menorahs*" which Shlomo made.] The *Rema*'s addition follows the next subject.**

<sup>10</sup> source's wording: "We 'end off' with 'the candles of Zechariah'."

<sup>11</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

The *Darkei Moshe* brings from the *Sefer HaMinhagim*<sup>o</sup> that Chanukah is not mentioned in the *brachos* of the "haftarah".

The *Beis Yosef* brings (from the *Ran*) that although "the candles of Shlomo" are *earlier* than "the candles of Zechariah" [i.e. in both Biblical and chronological order], and we would have assumed that *they* [i.e. those of Shlomo] should therefore be the ones to take precedence, nevertheless the reverse is true, because "the candles of Zechariah" pertain to the future. [Perhaps this means that "those candles" are therefore more *relevant* to us.] In the *Ran's* commentary to the Gemara, he gives a different answer: "Because Zechariah mainly prophesied during [the time of] the second *Beis HaMikdash* - and the miracle [of Chanukah] was [also] performed during [the time of] the second *Beis HaMikdash*."

#### THE "HAFTARAH" WHEN THERE IS A GROOM

The Avudraham<sup>o</sup> [in the Halachos of weddings] writes that on the Shabbos when a groom is within his seven days of feasting, there was a universal *minhag* that when it was time for the "haftarah", they would read *pesukim*<sup>\*</sup> beginning with "I shall rejoice greatly" ("*Sos Asis*") [*Yeshay'ah* 61:10].<sup>12</sup> The basics of this *minhag* are mainly discussed by the Halachos of *Rosh Chodesh* (O.C. 425:2 and 428:8 [and see the *Mishnah Berurah* to O.C. 265, n20]). [More recently, the *Aruch HaShulchan*<sup>o</sup> reported [O.C. 425 n3, 428 n7], "As for us, we know nothing at all of such a *minhag*."] However, before discussing the application by Chanukah, we need some background:

The Mishnah says (*Megillah* 24a) [translated loosely (and with Rashi)]: "We may 'skip around' during a 'haftarah' (although in the Torah reading we may not), if the locations are close enough to each other that the reader will be able to roll the scroll to the new location by the time the interpreter finishes telling the congregation the meaning of what was just read (whereas for the congregation to have to just wait there quietly would not be respectful)." The Gemara (ibid.) brings a Baraisa which says that "we may not 'skip around' from one book of the 'Navi' to another (but we may 'skip' *forward* within the twelve Minor Prophets)." All this is mainly dealt with in the Halachos of reading the Torah (O.C. 144:1).

After explaining the above, the *Beis Yosef* there brings the following *Terumas HaDeshen*<sup>o</sup> (20):

**Question:** *If so, what is the justification of the minhag in Austria (and other places), that when a wedding occurs in the week of Shabbos Chanukah<sup>13</sup> (and they have to use the Chanukah passage for the "haftarah" - because that's codified in the Gemara), they use some of the pesukim of the "haftarah passage for a groom" [just explained] as a supplement to the "haftarah" of that Shabbos? The "passage of Chanukah" is not in the same book of the "Navi" as the "passage of a groom", so why aren't we particular about this "skipping" from one book of the "Navi" to another?*

<sup>12</sup> "*Sos Asis*" is also the name of the last "haftarah of consolation" [see O.C. 428:8] (in "haftarah", texts it's the "haftarah" of the *parsha* of "*Nitzavim*", and continues through *Yeshay'ah* 63:9).

<sup>13</sup> Besides Chanukah, the *Terumas HaDeshen* also says the same about the four *parshas* (which in are discussed in the next *siman* of the *Shulchan Aruch*).

**Answer:** *It cannot be resolved properly according to all of the authoritative commentaries. I heard that the early Austrians said that since **the Mordechai** there (in the name of the Ra'avyah) explains that the reason not to "skip around" is out of respect for the congregation (i.e. so they won't have to wait), and that was only relevant in those days - for all their books [i.e. even of the "Navi"] were written as a scroll, like our Sefer Torah, so they would have to take up time with their rolling; but in our times, when "haftarah" books are written in "notebook" [i.e. bound] form, and one can mark a page so as to find quickly any "haftarah" one wants to, then there is no need for concern about "skipping" from one book of the "Navi" to another. However, **Rashi** explained that the reason not to "skip around" is because of confusion (and "skipping around" from one book of the "Navi" to another is judged as causing **too much** confusion); and according to that reason, we **cannot** make the above distinction. Nevertheless, if both passages would be within one book of the "Navi" (just that the distance between them were "such that the interpreter would stop"), then the above reasoning is enough; because on this point, Rashi himself explained that the issue is only the respect for the congregation [which, as mentioned, is not an issue for us]. One could also answer that since we do not have the practice of public interpreting, we are not concerned about confusion.<sup>14</sup> Still, my ruling concerning the above minhag is: Where it is the minhag already - that may continue, but where it is not the minhag yet - it should not be adopted to start with.*

Then, the *Beis Yosef* brings two positions which defend this "skipping" more confidently, by saying that the "passage of a groom" is not really read in the formal fashion of a "haftarah reading". (One argues that "it's recited by heart," and the other says "it's merely a song.")

To summarize: Although we may not "skip" from one book of the "Navi" to another, there are three possible justifications for doing it in order to read "the passage of a groom": (1) It's not really read in the formal fashion of a "haftarah reading", (2) Even if it is, maybe it was only a problem when they had an "interpreter", (3) Even if that's not true, maybe it's not a problem if we can "skip" quickly to a marked page. (And even if we reject even this last reason for "skipping" to *another* book, at least it justifies "skipping" a great distance within *one* book.)

**In the Halachos of Rosh Chodesh (O.C. 425:2)**, the *Beis Yosef* again discusses similar "skipping"<sup>15</sup>, and concludes with justification (1), and in the *Shulchan Aruch* rules that it's *muttar* [as he also did above (144:2)]. The *Rema* disagrees, saying the *minhag* is not to "skip" from one book of the "Navi" to another, and he continues: "However, if the [second] 'haftarah' [passage] is in the same [book of the] 'Navi' [as the first], [then] one may [in fact] do this [i.e. 'skip'];<sup>16</sup> and 'so it is' if on [Shabbos] *Rosh Chodesh* (or on *another* Shabbos with a 'haftarah' which we do not 'push

<sup>14</sup> The *Terumas HaDeshen* elaborates here: "If so, the original Halacha that one may not 'skip' must have been referring specifically to places where they had the practice of interpreting. (Indeed, even in those days there were places where they did not interpret.) This is not so 'forced', because the Mishnah itself used a specification that referred to interpreters (saying 'one may skip only to the point when the interpreter will stop'), which indicates that it's referring to 'places where one interprets'."

<sup>15</sup> He is referring to when Shabbos falls on the first day of a two-day *Rosh Chodesh*. The Halacha is that the main "haftarah" passage is the one for "Shabbos *Rosh Chodesh*". The question is: Can *some* of the passage used for "tomorrow being *Rosh Chodesh*" also be read as a *supplement*?

<sup>16</sup> The *Terumas HaDeshen* himself made this distinction (as above), and in his second volume (ruling 94) he applied it to the "haftarahs of consolation", which are from the book of *Yeshay'ah*, except they are some distance earlier than the "passage of a groom" [besides for the last "haftarah of consolation", which is the "passage of a groom", as noted in our earlier footnote].

aside' [i.e. in favor of the 'passage of a groom']) there was a wedding [in that week]." This language is a bit unclear: "So it is" that *what?* - that then "one may skip" *if it's in the same book* (like the "haftarah for Shabbos Rosh Chodesh" itself is), or that then "one may skip" *regardless* (which would be saying that "skipping" to the "passage of a groom" is more lenient than by any other [presumably because of justification (1), just that the *Shulchan Aruch* applied it "generally", and the *Rema* would be applying it only to the "passage of a groom"])?

Well, let's see how the *Rema* here concludes our *se'if*: **And if a wedding falls out by this Shabbos, [then] we use the [passage] of Chanukah as the "haftarah"**.

The *Mishnah Berurah* brings the *Eliyahu Rabbah*<sup>o</sup>, who notes the implication of the clear and simple language of the *Rema*: *always* the passage of Chanukah, and *only* the passage of Chanukah. Parenthetically, the *Mishnah Berurah* uses this [and "the *minhag*"] to decide against a position brought by the *Magen Avraham*<sup>o</sup>, that if there is a *second* Shabbos Chanukah then the "passage of a groom" can be read *instead* (because material pertaining to Chanukah was already read *last* week). Returning to our main issue, the *Sha'ar HaTziyun* points out that we see here that it's not correct even merely to *supplement* some of the "passage of a groom" (because it would mean "skipping" from one book of the "*Navi*" to another). [This is also the explicit ruling of the *Mishnah Berurah* in the other locations (O.C. 144 n12 and 425 n12).<sup>17</sup>]

The *Mishnah Berurah* here says the reason that the passages for Chanukah take precedence over the "passage of a groom" is [the importance of] "publicizing the miracle". Now, it's true that this point will be used below (concerning *Rosh Chodesh*), but the *Mishnah Berurah's* using it *here* seems extremely difficult, because there is a much more basic reason: only the Chanukah passages are codified in the Gemara (as the *Terumas HaDeshen* explained, and as the *Mishnah Berurah* *himself* says in the Halachos of *Rosh Chodesh* (*siman* 425 n12))!

### The development of: **Se'if 3**

#### THE TORAH READING WHEN ROSH CHODESH TEIVEIS IS ON SHABBOS

The Gemara (*Megillah* 29b<sup>4</sup>):

**R' Yitzchak Nafcha said:** *When Rosh Chodesh Teiveis is on Shabbos - we bring three Sifrei Torah and read from them as follows: In one, we read from "the material of the day" [i.e. the weekly Parsha], in another we read from the material of Rosh Chodesh, and in the other one we read from the material of Chanukah.*

<sup>17</sup> The *Yad Efrayim* (in O.C. 425) says that the *Magen Avraham* and the *Levush*<sup>o</sup> hold that one "skips" to the "passage of a groom" even on Chanukah (i.e. regardless of it being in a different book of the "*Navi*"). However, the *Yad Efrayim* himself proves that the *Rema* does not hold that way.

The Tur<sup>o</sup> says that in this case, the *Rosh Chodesh* reading begins from the *pasuk*<sup>\*</sup> (*Bamidbar* 28:9): "And on the Shabbos day" [thereby mentioning *Rosh Chodesh* and Shabbos, as is always done when the two coincide (O.C. 425:1)], and it should be the seventh *aliyah*. [As for *why* the *Rosh Chodesh* material is read first, see the next subject.]

Accordingly, the *Shulchan Aruch* starts the *se'if* by ruling: **If *Rosh Chodesh Teiveis* falls on Shabbos, we take out "two scrolls" [i.e. two *Sifrei Torah*], and [in the first *Sefer Torah*] six [*aliyah* honorees] read from the weekly *parsha*; and in the second [*Sefer Torah*] one [*aliyah* honoree] reads from [the material] of *Rosh Chodesh* - and he begins [with] "And on the Shabbos day"; and in the third [*Sefer Torah*] - the "*maftir*" reads from [the material] of Chanukah ...** [The end of this sentence follows the next subject.]

The *Mishnah Berurah* clarifies a few details:

(1) When we are finished reading from the first *Sefer Torah* (i.e. the weekly *parsha*), the second is placed next to it, and the first is then lifted up and rolled closed. (No "Kaddish" is said at this point. [After all, the seven *aliyahs* of Shabbos have not yet been completed.]

(2) When we are ready to say "Kaddish" - i.e. after we read from the *second Sefer Torah* (i.e. the *Shabbos Rosh Chodesh* reading), the third is first placed next to it.

(3) Actually, the "at-least-seven" *aliyahs* of Shabbos may be divided other ways if it is so desired, such as by having seven or more *aliyahs* for the weekly *parsha* alone [or even having only five (*Sha'ar HaTziyun*)].

Rav Yaakov Chaim Sofer<sup>o</sup> [*Kaf HaChayim* n19] brings the reason that the third *Sefer Torah* needs to be placed next to the second at the time of "Kaddish" (and the first does not): Because the "Kaddish" needs to be "said over all three"; and although it's *clear* that the "Kaddish" is being said over the *first Sefer Torah* - because that one has already been read from - this is *not* clear about the *third* (so we place it on the *bimah*).<sup>1</sup>

However (the *Kaf HaChayim* continues), all this is only true regarding *Ashkenazim*. For the *Sefardi minhag* is to say "Kaddish" *twice* whenever there is more than one *Sefer Torah*, so *they* say one "Kaddish" after the reading of the second *Sefer Torah* (since that's when the seven *aliyahs* of Shabbos are completed), and another "Kaddish" after reading from the third [so the above "placing" is not necessary].

[*We can ask*: What if all seven *aliyahs* were completed with the *first Sefer Torah*?]

#### THE "HAFTARAH" WHEN ROSH CHODESH TEIVEIS IS ON SHABBOS

We learned above (678:1) that the authoritative decision (in *Shabbos* 23b) is that publicizing the miracle of Chanukah takes precedence over a "more frequent"<sup>18</sup> Mitzvah" [in that case, *kiddush*].

With that in mind, Tosafos (ibid.) deals with our subject:

***Rabbeinu Shimshon ben Avraham*<sup>19</sup> holds that when *Rosh Chodesh Teiveis* is on Shabbos, the "*haftarah*" reading should be from the passage "*the 'candles*"<sup>20</sup> of Zechariah" [the "*haftarah*" of Chanukah - see**

<sup>18</sup> Hebrew: "*tadir*". Usually this is given as a reason for a Mitzvah to be done *before* another [see "Principles"]. This Gemara, however, indicated that it could also potentially be a reason to displace a "less frequent Mitzvah" *entirely*.

above *se'if* 2], and not from the passage "The heavens are my throne" (*Yesha'yah* 66) which is the "haftarah" passage of an ordinary *Shabbos Rosh Chodesh*, for two reasons: (1) in order to publicize the miracle of Chanukah, (2) the "maftir" has just read from the material of Chanukah, and his "haftarah" reading should be related to the subject which he read about.

**And to explain why the material of Rosh Chodesh came first in the Torah reading** [which seems to contradict our preferring the publicizing of the miracle (above)], there are three approaches: (1) In the case of the Torah reading, it's possible to accomplish **both** (i.e. the "more frequent" [reading of Rosh Chodesh] and the "publicizing of the miracle" of Chanukah), so we accomplish both - and the "more frequent one" [i.e. Rosh Chodesh] comes **first**; but where it is not **possible** to accomplish both [i.e. by the "haftarah"], then "publicizing the miracle" takes precedence. (2) In the case of the Torah reading of Chanukah, there isn't such a significant publicizing of the miracle - for "candles" are not mentioned in it (as they are in the "haftarah" passage). (3) In addition, *Rabbeinu Shimshon* says, the Torah reading of Rosh Chodesh was put first **for the very purpose** of causing the "maftir" to read from the passage of Chanukah, so that consequently he will read from "the 'candles' of Zechariah" as the "haftarah" [and thus publicize the miracle]<sup>21</sup>.

The *Beis Yosef* quotes the *Rosh*<sup>o</sup>, who follows the same logic to the same conclusion, and the *Beis Yosef* mentions that this is also what it says in the *Mordechai*<sup>o</sup>.

Accordingly, the *Shulchan Aruch* finishes the sentence: [the "maftir" reads from the material of Chanukah] ... **and reads as the "haftarah" [the passage beginning with] "Exult and be happy" ["Rani VeSimchi"]**. [The remaining parts of the *se'if* follow the next three subjects.]

The *Bi'ur Halacha* addresses a case where the third *Sefer Torah* (i.e. the one rolled to the Chanukah passage) was opened up second by mistake. Now, concerning the effect of this on the Torah reading, that will be discussed in the subject after the next, and the *Bi'ur Halacha*'s own decision is that once we start reading "out of order", we *continue* with that "incorrect" order, *ending* with the *Shabbos Rosh Chodesh* reading. Therefore, one could have thought this would change the "haftarah" [i.e. based on reason (2) of *Tosafos* for why we chose the Chanukah "haftarah", i.e. because it relates to the subject about which we just read]. Nevertheless, the *Bi'ur Halacha* brings that in fact the Chanukah "haftarah" passage should still be used [because of reason (1)] (except that if the "haftarah" passage of *Shabbos Rosh Chodesh* was read instead - "after the fact" it's sufficient<sup>22</sup>).

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<sup>19</sup> Also known as the "*Rash*" of *Shantz*, he was an early writer of "*Tosafos*", in which he is called "the *Rashba*" (not to be confused with *Rabbeinu Shlomo ben Avraham ibn Aderes* of Spain, who has become *universally* known as the *Rashba*).

<sup>20</sup> The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. *Rashi* explains that in the days of the *Gemara*, earthenware "lamps" were used; his full description is brought above (671:3).

<sup>21</sup> This last reasoning seems difficult, since even when there is *no "haftarah"*, the Torah reading of *Rosh Chodesh* comes before that of Chanukah (as explained in the next subject).

<sup>22</sup> It is not clear whether this is true even when the *Sifrei Torah* were *not* "switched".

As mentioned above (in *se'if 2*), the *Shulchan Aruch* ruled in the Halachos of *Rosh Chodesh* (O.C. 425:2) that the *minhag* is to read a few *pesukim* from "*haftarah*" readings that were "displaced", as a *supplement* to the "overriding" reading (i.e. and there's no problem of "skipping from one book of the '*Navi*' to another"). It should then follow that the *Sefardi minhag* would be to read some *pesukim* of the "*haftarah*" passage of *Shabbos Rosh Chodesh*, after the "*haftarah*" passage of *Shabbos Chanukah*.

#### THE TORAH READING WHEN *ROSH CHODESH TEIVEIS* IS ON A WEEKDAY

The Gemara (*Megillah 29b*<sup>4</sup>):

**There was a disagreement:** When *Rosh Chodesh Teiveis* is on a weekday, R' Yitzchak said that **three** aliyah honorees read from the material of **Rosh Chodesh** - and the fourth reads from that of *Chanukah*; and Rav Dimi of Chaifa said that **three** aliyah honorees read from that of **Chanukah** - and the fourth reads from that of *Rosh Chodesh*.

**Each side can be defended:** R' Mani said: It makes sense to say like R' Yitzchak (*Nafcha*<sup>23</sup>) [that *Rosh Chodesh* is primary], because when choosing between something which is frequent and something which is not [as] frequent - the one which is frequent takes precedence<sup>24</sup>. [On the other hand,] R' Avin said: It makes sense to say like Rav Dimi; for after all, who caused the fourth aliyah to materialize? - *Rosh Chodesh!* - therefore, the fourth aliyah honoree needs to read from the material of *Rosh Chodesh!*

**The Gemara asks:** What was there about this [i.e. what was concluded]?

**The responses are as follows:** Rav Yosef said: We pay no special attention to *Rosh Chodesh*. On the other hand, Rabbah said: We pay no special attention to *Chanukah*. And the Halacha is: We pay no attention to *Chanukah* (i.e. *Rosh Chodesh* is primary)<sup>25</sup>.

For a reason why *Chanukah* is not put first because of "publicizing the miracle", see just above, by the subject of the "*haftarah*". In any case, the Tur points out that the situation calls for "taking out two *Sifrei Torah*."

Accordingly, the *Shulchan Aruch* continues the *se'if* by ruling: **[On the other hand,] if [this] *Rosh Chodesh* falls on a weekday, we take out "two scrolls" [i.e. two *Sifrei Torah*], and in the one [*Sefer Torah*] three [aliyah honorees] read from [the material] of *Rosh Chodesh*, and in the second [*Sefer Torah*] one [aliyah honoree] reads from [the material] of *Chanukah*.** [The remaining parts of the *se'if* follow the next two subjects.]

The *Mishnah Berurah* writes that in the first *Sefer Torah*, the reading of *Rosh Chodesh* is divided as follows: "*kohen* - [from the beginning] until 'a quarter of a *hin*' [i.e. *Bamidbar* 28:1-5], *levi* - [from there] until 'and its accompaniment [of flour-oil and wine offerings]' [i.e. *ibid.* 6-10], [ordinary] '*yisrael*' - [from there] until [the final] 'and its accompaniment'

<sup>23</sup> At this point in the text, the title "*Nafcha*" ["the smith"] appears. By the original statement, it does not.

<sup>24</sup> Literally: "comes first". (Usually, being more "frequent" [Hebrew: "*tadir*"] is given as a reason for a Mitzvah to be done *before* another [see "Principles"].)

<sup>25</sup> An alternate text reads: We pay no attention to *Chanukah* "whatsoever".

[i.e. ibid. 11-15]." He writes that in the second *Sefer Torah*, only the mini-section of that day's prince is read (as we cited in the previous *se'if*).

IF FOUR ALIYAHS WERE READ FROM THE *ROSH CHODESH* MATERIAL (I.E. BY MISTAKE)

Tosafos (*Megillah* 23a):

***If it should happen on Yom Tov\**** that the congregation read the full number of required aliyahs, and [then they realized that] they had forgotten to read from "the day's obligation" [whose definition is discussed in the Halachos of reading the Torah (see *Mishnah Berurah* to O.C. 137:3)], then the *Sefer Torah* should be brought back - and another aliyah honoree should read from "the day's obligation". (Although it's *assur* to read extra aliyahs on *Yom Tov*, [in this case] the last one to read [before they realized what they forgot] is considered "as if he never read".)

***However, if the same occurred on Chanukah***, i.e. on the *Rosh Chodesh* (or *Shabbos*) that falls during *Chanukah*, in ***that*** case it is ***not*** necessary to "add an aliyah" in order to read the *Chanukah* material. For it is stated explicitly<sup>26</sup> [about weighing *Chanukah's* Torah reading against another] that "the *Halacha* - we pay no attention to *Chanukah* whatsoever."

The *Beis Yosef* quotes the *Shibolei HaLeket*<sup>o</sup>, who brings likewise, but adds the following twist:

***In our own case, two Sifrei Torah were already taken out.*** Therefore, out of concern for the "tainting" [see "*Principles*"] of the reputation of the second *Sefer Torah*, it is necessary for a fifth aliyah honoree to read from the material of *Chanukah*. For one cannot suggest that the fourth aliyah honoree ***himself*** should read from the material of *Chanukah* from the ***first*** *Sefer Torah* (i.e. if he still has the opportunity to do so before he says the "closing bracha" over reading the parsha of *Rosh Chodesh*), because that would be "skipping around" [see the last subject of the previous *se'if*] - and one may not "skip around" (between two areas) in the Torah reading. Rather, now that the fourth aliyah honoree has begun to read from the material of *Rosh Chodesh* - he should finish [that] and say the "closing bracha", and a fifth aliyah honoree should "come up" after him - and ***he*** should read from the material of *Chanukah* in the second *Sefer Torah*. The logic for this is as follows: Better that our statement [i.e. the *Mishnah* in *Megillah* (21a)] "***On Rosh Chodesh*** there are four aliyahs - no less and no more" should be disregarded, rather than that the reputation of a *Sefer Torah* be "tainted".

The *Beis Yosef* also quotes similarly (but more concisely) from the *Rokeiach*<sup>o</sup>.<sup>27</sup>

<sup>26</sup> Tosafos cites it as being "in [the Midrash (*Tanchuma*) which is called] '*Yelamdeinu*.'" Commentaries point out that it is not found in our *Tanchuma* text. However, see in our earlier footnote, that an alternate text of the Gemara *itself* reads exactly like what Tosafos wrote.

<sup>27</sup> With two differences: (1) The *Rokeiach* interprets "we pay no attention to *Chanukah* whatsoever" to mean "even if we read none of it whatsoever". (2) He says (loosely translated): "If someone was just honored with an *aliyah* - it's *assur* for him to read again, except that a *kohen* can read [again] in the '*levi*' position" [clearly *not* limiting the point only to reading in a second *Sefer Torah*].



Accordingly, the *Shulchan Aruch* continues the *se'if* by ruling: **[In addition,] if the "chazzan"\*** [i.e. the reader] **mistakenly read four *aliyahs* from [the material] of *Rosh Chodesh*: If they did not take out a second "scroll" [i.e. *Sefer Torah*], [then] it is not necessary to read [the Chanukah material any] more; but if they [in fact] took out a second "scroll" [i.e. *Sefer Torah*] - [then] out of [concern for] its [reputation's] "tainting" - it is necessary for a fifth [*aliyah* honoree] to read from [the material] of Chanukah. [The *Rema*'s addition follows the next subject.]**

The *Mishnah Berurah* writes that "Kaddish" is said after the above-mentioned fifth *aliyah*, but only if it was *not* already said after the fourth.

The above *Shibolei HaLekket* ruled that a fifth man is needed only in the case where "the fourth *aliyah* honoree has begun to read from the material of *Rosh Chodesh*." *We can ask*: What should be done if he has not? If the reading was being done as if it were a regular *Rosh Chodesh*, then the reader has not yet read the main *pesukim* ("And on your *Rosh Chodesh* [day]s" etc.)! In that event, can we "abandon" the *Rosh Chodesh* passage at that crucial point and read the Chanukah passage as the fourth *aliyah*?

IF WE NEED TO READ FROM TWO *SIFREI TORAH* AND THE *BRACHA* WAS SAID "OVER" THE "SECOND ONE" FIRST

In the Halachos of reading the Torah (by O.C. 140:3), the *Beis Yosef* brings (from the Avudraham<sup>o</sup>) that there was a disagreement about what to do if the second *Sefer Torah* (i.e. the one rolled to the Chanukah passage) was opened up first by mistake, and the *bracha* was said "over" it, and after the mistake was discovered - they rolled to the location of the reading for *Rosh Chodesh*; the question was then asked - is a new *bracha* required or not? It was then clarified (there) that this depends on whether manipulating the *Sefer Torah* is enough of an interruption to invalidate the first *bracha*. However, either way, it seems that the authorities involved agreed that immediately "switching" to *Rosh Chodesh* was the correct move.

Accordingly, the *Rema* here writes (concluding our *se'if*): **[On the other hand,] if one mistakenly began to read from [the material] of Chanukah, [then] he has to stop [and] to read from [the material] of *Rosh Chodesh*; and [as for] whether he has to say a [new] *bracha* on the *Rosh Chodesh* reading - see above [in O.C.] *siman 140*.**

Regarding whether a new *bracha* is needed, the *Bi'ur Halacha* says that the later authorities decided in favor of the position that one *does* need to say one. **However, he also brings [there and in the *Mishnah Berurah*] the *Taz*<sup>o</sup>:**

The *Taz* says that the congregation is certainly *yotzei* their obligation "after the fact" even if they read the Chanukah material before the *Rosh Chodesh* material. Consequently, now that they already "started" with Chanukah, they should *not* have to "switch" to *Rosh Chodesh* (i.e. disagreeing with the *Rema*). He even asks: How *can* they "switch", when that will create a situation where we are not sure if a new *bracha* is needed?

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The position of the *Magen Avraham*<sup>o</sup> on this is not openly clear. In the Halachos of reading the Torah, he rules like the Taz. (He gives a different reason: because by the conflict of *Rosh Chodesh* and Chanukah, there is a position in the Gemara that Chanukah comes first even "initially" [and therefore "everyone should agree" that that's good enough "after the fact"].) Here, on the other hand, he explains the *Rema*.

The *Mishnah Berurah* cites the Taz, and then refers to the *Bi'ur Halacha* for "all the details". In the *Bi'ur Halacha*, he decides that the *Magen Avraham* definitely agrees with the Taz (and what he wrote here was *only* by way of explanation), and he brings a long list of later authorities who also agree with the Taz. [This implies that the *Bi'ur Halacha* himself is deciding in favor of the Taz. However, he also brings two authorities who "compromise", holding that reading the Chanukah material first is in fact good enough "after the fact", but this "after the fact" is only when the mistake is caught *after three pesukim*<sup>\*</sup> were read (and consequently that is relied upon as being the *entire* Chanukah reading for the day).] The *Bi'ur Halacha* then proceeds to explain that this whole disagreement only refers to a case where the *bracha* was in fact already *said* "over" the Chanukah material (or at least begun, with the words "*Baruch attah Hashem*" ["Blessed are You, Hashem"]). For if the *bracha* was not yet begun, he explains, then "everyone agrees" that they should roll this *Sefer Torah* closed, and read the *Rosh Chodesh* material first. (This is not considered "tainting" [see "Principles" and the previous subject] the reputation of the first *Sefer Torah*, he concludes, because the congregation will be going back to the first *Sefer Torah* and reading from it afterwards.)

In the case which the *Rema* and Taz disagree about, the only mistake was that the Chanukah reading was read *first*; but no one necessarily forgot that on *Rosh Chodesh*, the Chanukah reading all has to be read in one *aliyah*. We can ask: What if that *was* forgotten? In other words, what if only *half* of the mini-section of that day's prince was read (i.e. like the first *aliyah* on *other* days of Chanukah), and the *aliyah* honoree said the *bracha* *after* that reading, and only then was the mistake discovered? Should we then have to read the second half of the Chanukah reading as the next *aliyah* [so that the first *aliyah* won't be left "worthless"]? And if so, what should the third and fourth ones be? (After all, even though the Taz admits that after the one *aliyah* of Chanukah reading - the remaining three are read from the *Rosh Chodesh* material; still, maybe that's only because it's still possible to have the *aliyahs* "divided" in the way the Gemara specified. Here, if we say that at least two *aliyahs* need to be read from the Chanukah material anyway [or if *that* was already done by mistake], maybe then it's best to follow the rejected position from the Gemara - three *aliyahs* for Chanukah and then one for Rosh Chodesh!)

#### DETERMINING THE DAY OF A YAHRTZEIT WHICH IS ON CHANUKAH

The *Bi'ur Halacha* warns not to determine this by which *day of Chanukah* it originally was, but rather one must note the day of the *month* (since *Rosh Chodesh Teiveis* is sometimes two days, and sometimes only one).

## Translations of Central Quotations (more literally)

O.C. SIMAN 670 : THINGS THAT ARE ASSUR OR MUTTAR ON THE DAYS OF CHANUKAH

### Se'if 1

#### *Chanukah's status as a "Yom Tov"\**

*Shabbos* 21b<sup>4</sup>: What is [the origin of (see Rashi)] Chanukah? [It is] as the Rabbis taught in a Baraisa: On the twenty-fifth of Kislev [begin] the days of Chanukah - of which there are eight - on which [one may] not eulogize, and on which one may not fast; For when "the Greeks" went into the (*Heichal* [i.e. Sanctuary building] within the) [*Beis HaMikdash*\*] - they "contaminated" all the oils in the (*Heichal* [i.e. Sanctuary building] within the) [*Beis HaMikdash*\*]; And when the Hasmonean family leadership overpowered and defeated them - they checked and only found one container of oil - which was left with the seal of the *kohen gadol* - and there was only [enough] in it to light [the Menorah for] one day; a miracle was performed with it - and they lit [the Menorah] from it [for] eight days; By a different year [i.e. in the following year (see *Bereishis* 17:21)], they [i.e. the Sages of that generation (Rambam)] established them - making them *Yamim Tovim*\* with respect to "thanksgiving" and [saying] Hallel [i.e. but not as being *assur* in *melacha*\* (Rashi)].

### Se'if 2

#### *Festive meals on Chanukah*

*Pesikta Rabasi* 6: R' Chanina said: On the twenty-fifth of Kislev, the work of the *Mishkan*\* was finished, and it was left "folded up" [i.e. unassembled] until the first of Nissan when Moshe assembled it. [ibid.] So does this mean that Kislev - when [the] work was finished - [simply] lost out? No: What is [the meaning of the *pasuk*\* (Melachim I 7:51)] "And it was completed" ["*VaTishlam*"]? *HaKadosh Baruch Hu*\* said: "It is upon Me [i.e. My responsibility] to pay back ["*Leshaleim*"] to him [i.e. Kislev]". What did *HaKadosh Baruch Hu* pay back to him [i.e. Kislev]? The rededication of the House of the Hasmoneans.

#### *The miracle of the cheese*

*Kitzur Shulchan Aruch* (139:3): The decree was terrible upon the daughters of Israel, for they [i.e. the Greeks (had)] decreed that [any] virgin who is [or "any woman engaged" (*Mishnah Berurah*'s version)] to be married must have relations with the official first. And [ibid.] the miracle was performed through a woman: The daughter of Yochanan the *Kohen Gadol* [whose name was Yehudis (*Kol Bo* 44)] was very beautiful, and the enemy ruler demanded [lit. "requested"] that she lie with him. And she told him that she would fulfill his request, and she fed him cheese dishes so that he would get thirsty and drink wine and become drunk - and go to bed and fall asleep. And that's what happened; and she cut off his head and brought it to Yerushalayim, and when their general [or "the army" (*Kol Bo*'s version)] saw that their ruler was lost - they ran away.

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*Se'if 3**More about eulogizing on Chanukah*

*Mo'ed Kattan* 27b<sup>1</sup>: **Rav Pappa said:** There is no [status of] "festival" [that can stand] in opposition to a Torah scholar [i.e. he *can* be eulogized then (Rashi)], and all the more so with Chanukah or Purim. This is true [about eulogizing him] "before him" [i.e. where the body is], but [when] "not before him" - [it's] not [that way]. [But] that's not [true]: Rav Kahana eulogized Rav Zevid of Nehardea at *Pum Nahara* [i.e. not where the body was, though it was one of the above days]! Rav Pappi said: That was on the day of the report [being heard], and [that is] comparable to "before him".

*More about fasting on Chanukah*

*Rosh HaShanah* 18b<sup>4</sup>: **Rav Kahana challenged** [the position that after the Destruction, the holidays of *Megillas Ta'anis* were cancelled] (by quoting the following Baraisa): **It happened** [once] that they [i.e. the townspeople] decreed a fast day [over lack of rain] during Chanukah in [the city of] Lod; and R' Eliezer went [to the bathhouse] and washed and R' Yehoshua [went to the barber] and had a haircut [ - which are Assur on such fast days (so deduces the Ra'avyah {3:854}; see *Ta'anis* 12b)], and they said to them [i.e. to the people] "Go out and fast [i.e. now you shall have to fast] over the fact that you fasted!" [ - and their days were after the Destruction]! **Rav Yosef said:** Chanukah is different, because there is a [unique] Mitzvah [in connection with it]." **Abbaye said to him:** So let it be cancelled [i.e. along with the other holidays of *Megillas Ta'anis*] - and let its Mitzvah be cancelled [with it]! **Rather, Rav Yosef [retracted and instead] said:** Chanukah is different, because its miracle is publicized [to the Jews (through its Mitzvahs) - to the point of treating it as though it were Torah-mandated - so it's not proper for it to be cancelled (Rashi)].

O.C. *SIMAN* 671 : THE BASIC SYSTEM OF CHANUKAH CANDLES (AND THEIR LOCATION)*Se'if 1**One should take the Mitzvah of lighting Chanukah candles very seriously*

*Shabbos* 23b<sup>2</sup>: **Rav Huna said:** Someone who is "*ragil*" [i.e. regular and persistent] about the "candle" [of Shabbos and Chanukah (Rashi)] will have sons who are Torah scholars [as it is written: "a Mitzvah is a candle - and the Torah is light", i.e. through these Mitzvah "candles" will come the light of the Torah (Rashi)].

*How seriously one should take the Mitzvah (financially)*

The Mishnah in *Pesachim* 99b<sup>1</sup>: **Even "the poor of Israel"** [i.e. the poorest Jew] may not eat without reclining; **And he shall not have** [given to him by the *tzedakah* administrators (Rashbam)] fewer than four cups of wine - and even if [it is] from the "*tamchui*" [that he is supported - nevertheless if the *tzedakah* administrators do not provide him with the four cups - then he has to sell his clothing or borrow or hire himself out (Rashbam)].

The Gemara (below 112a<sup>2</sup>): [That's] obvious! **It was necessary only** [to teach that it's true] even according to R' Akiva, who said "Make your Shabbos [like] a weekday and don't be dependent upon [other] 'creatures' [i.e. people]", [so the Mishnah comes to teach that] here - for the sake of publicizing the miracle - he agrees. A

**Baraisa of the House of Eliyahu taught:** Even though R' Akiva said "Make your Shabbos [like] a weekday and don't be dependent upon [other] 'creatures' [i.e. people]", but he does prepare a little something in his home. What is that? Rav Pappa said: "*kasa d'harsena*" [small fish fried in the oil of their innards and with flour (Rashi to *Shabbos* 118b)].

### Se'if 2

#### *How many candles to light each night*

*Shabbos* 21b<sup>2</sup>: **The Rabbis taught in a Baraisa:** The [basic] Mitzvah of Chanukah ["candles"] is [just] a "candle" [for a] man and his household [i.e. every night]; and [for] the "*Mehadrin*" [i.e. "Mitzvahs pursuers" (Rashi) or "Mitzvah enhancers" (*Rabbeinu Chananel* and others)] - a candle for each [person]; and [for] the "*Mehadrin of the Mehadrin*" [i.e. those who are "the most" *Mehadrin*] - *Beis Shammai* say [that for] the first day [one would] light eight [candles and] from then on [one would] constantly decrease [the number from night to night], and *Beis Hillel* say [that for] the first day [one would] light one [candle and] from then on [one would] constantly increase [the number from night to night]. Ulla said: Two *Amora'im* "in the west" [i.e. in the Land of Israel] disagree about it (R' Yose bar Avin and R' Yose bar Zevida): One said [that] the reasoning of *Beis Shammai* is [to have the "candles"] corresponding to the [number of] days that are "coming in" [i.e. that are "on the way"] - and the reasoning of *Beis Hillel* is [to have the "candles"] corresponding to the [number of] days that are "going out" [i.e. that have already arrived]; and one said [that] the reasoning of *Beis Shammai* is [to do it] parallel to [the pattern of] the bulls of Sukkos [which decrease in number each day] - and the reasoning of *Beis Hillel* is because [of the rule that] we "raise [things] up" in holiness and we do not "lower" [them].

Tosafos (*Shabbos* ibid.): "The *Ri*" holds that *Beis Shammai* and *Beis Hillel* are speaking [about "the best way"] only based off of [the level called] "a 'candle' [for a] man and his household"; for [that way] it's a greater enhancement [of the Mitzvah], since it's recognizable - when one continually increases or decreases - that it's according to the [number of] days "that are coming in" or "that are going out". But if [one] makes a 'candle' for each person, then even if he would increase from then on - it would not be recognizable, for [onlookers] would [just] think that there are that many people in the house.

### Se'if 3

#### *A "candle" with two "mouths"*

*Shabbos* 23b<sup>1</sup>: Rav Yitzchak bar Redifah said in the name of Rav Huna: A "candle" which has two "mouths" counts for two people.

Rashi (*Shabbos* ibid.): For their "candles" were earthenware [lamps], and [were] covered, and one [would] make a hole on [one] side of the cover - [in order] to insert the wick through it - and that's the "mouth", and higher up from the top of the cover there's [an opening with] space - and [through there] one fills it with oil - and it goes in bit by bit through the hole. So if [a similar "candle"] has *two* holes - [i.e. it has holes] on *both* sides, then it "counts for two people" - i.e. for the "*Mehadrin*" who have a "candle" for each person.

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*Se'if 4**A dish filled with oil*

*Shabbos* 23b<sup>1</sup>: **Rava said:** [If someone] filled a dish with oil and put wicks in it all around, [then if] he covered it with [some other] vessel - it counts for a number of people, [but if] he did not cover it with a vessel - he has made it like a significant fire [for the fire joins at the middle and that doesn't look like (the light of) a "candle" (Rashi)] and it doesn't even count for one [person].

*Se'if 5**Places for the candles other than the entrance*

*Shabbos* 21b<sup>3</sup>: **The Rabbis taught in a Baraisa:** A Chanukah "candle" - [its] Mitzvah is to place it at the entrance to his house - on the outside [to publicize the miracle (Rashi)]; [And] if [someone] has been living in an "*aliyah*" (i.e. an upper floor "apartment") [and (therefore) he has no place (on the ground level) where he can place his "candles" (Rashi)] - [then] he places it [indoors (Rashi)] by a window which is "near" [i.e. "facing" or "closest to"] the public domain; And in a time of danger [for the Persians had a law that on their religious holiday no one was allowed to have a "candle" lit other than in their house of idolatry (Rashi - from *Gittin* 17a)] - one places it on his table and that is sufficient.

*An "obligatory" extra candle ("shamash")*

*Shabbos* 21b<sup>3</sup>: **Rava said:** One needs another "candle" - to use its light [i.e. to make the matter recognizable (Rashi)]; And if there's a significant fire [i.e. nearby] - it [i.e. another "candle" (Rashi)] is not needed [because he'll use the light of the significant fire, so it's recognizable that the (Chanukah) "candle" is (there) for a Mitzvah (Rashi)]; And if he is an important person [and therefore not accustomed to making use of a significant fire (Rashi)], [then] even if there's a significant fire, he still needs another "candle".

*Me'iri*<sup>o</sup> (*Shabbos* *ibid.*): I hold, based on the *sugya*<sup>\*</sup>, that they said "one needs another candle" only by [someone who] "places it on his table"; But any [time] that one places it by the entrance - he doesn't need another "candle", even if he stands right there, as long as he doesn't go and make use of its light specifically for some activity. And I have in fact seen some Rabbis having the practice of standing [right] there and speaking with their friends with no other "candle". Just that in [actual] practice, it's my *minhag* to light another "candle" even without a need to make use [of one], and we [all] have the *minhagim* [we received] from our fathers and our teachers.

*Se'if 6**"Initially" the candles should be "low"*

*Shabbos* 21b<sup>4</sup>: **The Mishnah says elsewhere** (*Bava Kamma* 62b): [In the case of] a spark which goes out from under a [blacksmith's (Rashi)] hammer - and [then] goes out and damages [property] - he [i.e. the blacksmith] is obligated [to pay]; [In the case of] a camel which is loaded up with flax and is passing through the public domain - and its

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flax [partially] moves [i.e. protrudes] into a shop and is ignited by the shopkeeper's "candle" and [then the flax] ignites a whole building - the owner of the camel is obligated [to pay - because he shouldn't have loaded it with so much that it would move into a shop (Rashi)]; [but if] the shopkeeper left his "candle" outside - [then] the shopkeeper is obligated [to pay]; R' Yehudah says: By a Chanukah "candle" he [i.e. the shopkeeper (Rashi)] is exempt [because he had the right to leave it there for the Mitzvah's publicizing (Rashi)]. Ravina said in the name of Rava: This [last point (Rashi)] tells [us that by] a Chanukah "candle" - the Mitzvah is to place it within ten [tefachim\* high], because if it would enter your mind [to say that] above ten [tefachim high is just as good] - [then] he should say to him [i.e. to the shopkeeper] "You should have placed it [i.e. the Chanukah "candle"] above [the height of] a camel and its rider" [i.e. like the explicit Mishnah (Bava Basra 27b - discussed in Shulchan Aruch volume Choshen Mishpat 155:27) about the required height for a tree to be allowed to hang out into the public domain]. Maybe [it's just that the Sages' judged that] if we trouble [a person] that much - he'll come to neglect the Mitzvah [entirely]!

Rashba<sup>o</sup> (Shabbos ibid.): I am astonished at this: Still, how did [Ravina/Rava] know [that the specification is to be] within ten [tefachim]? [ibid.] One can answer that he holds that once you eliminate [the specification of] twenty amahs\* like [the maximum specification for] a sukkah and a "mavoi" [an "alleyway" jointly used by multiple "courtyards" in which carrying on Shabbos is to be made muttar by means of a crossbeam at its entrance from the public domain (see Gemara of next subject)] - SO YOU [must instead] fix upon [the specification of] ten [tefachim] which is likewise the minimum [specification] of a sukkah; for certainly the Sages gave this some familiar specification from among the fixed specifications of the other Mitzvahs; and once you eliminate twenty [amahs] - which is much higher than "a camel and its rider" - you fix upon ten [tefachim]. [ibid.] And as regards a ruling for [the practical] Halacha: We rule like what Ravina said in the name of Rava; for we don't discard what was clear to Rava and Ravina - and choose [instead] what the Gemara said in response [to their proof] merely in the form of a "maybe" [ - and also (because) there is a greater publicizing of the miracle (that way) for it's unusual to leave so low something made for light - (Rosh<sup>o</sup>)], and so ruled Rabbeinu Chananel<sup>l</sup>.

*The candles must not be "too high" (i.e. this is crucial even "after the fact")*

Shabbos 21b<sup>5</sup>: Rav Kahana said: Rav Nassan bar Menyumi expounded (i.e. explained) in the name of R' Tanchum: [22a] A Chanukah "candle" which was placed higher than twenty amahs\* [off the ground] is invalid [because the eye (of people) does not reach it and (therefore) it lacks publicizing of the miracle (Rashi)]; just like [the similar Halacha] by [the "s'chach" (covering) of] a sukkah and [by] a "mavoi" [an "alleyway" jointly used by multiple "courtyards" in which carrying on Shabbos is to be made muttar by means of a crossbeam at its entrance from the public domain] (i.e. the crossbeam cannot be higher than twenty amahs [see Eiruvin 2a]).

Tosafos (Shabbos ibid.): He should put it out and lower it, and [then] light it again [with the bracha (Mishnah Berurah)]; for he can't [just] "lower it and leave it" while it's still lit [because (of the principle that) "the lighting is what accomplishes the Mitzvah" (Beis Yosef), and he (originally) lit in an invalid place (Mishnah Berurah)].

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*Se'if 7*

*The candles generally belong "in the nearest tefach\*" on the left hand side (of the "entrance")*

*Shabbos 22a<sup>1</sup>: Rabbah said: A Chanukah "candle" - [its] Mitzvah is to place it in the tefach nearest to the entrance [because if he would place it any farther - it wouldn't be recognizable that the owner of the house placed it there (i.e. intentionally and with purpose) (Rashi)]. And where does one place it? Rav Acha the son of Rava said: To the right [as a person enters (Rashi)]; Rav Shmuel of Difti said: To the left. And the Halacha is "to the left" - so that the Chanukah "candle" will be to the left and the mezuzah to the right [and (thereby) one will be surrounded with Mitzvahs (Mishnah Berurah)].*

*Lighting in the synagogue*

Rivash<sup>o</sup> (responsum 111): This *minhag*, to light in the synagogue, is a *minhag* of the ancient righteous [ones], for the purpose of publicizing the miracle, because we are not able - each [person] in his home - to fulfill the Mitzvah in the [ideal] way in which it was instituted, which is to place it at the entrance to his house - on the outside; [ibid.] and (since) now we are suppressed by the power of the nations - [ibid.] and each person lights at the entrance of his house - from the inside, and there is only a publicizing of the miracle for his household alone. Therefore, they started the *minhag* to light in the synagogue - to carry out the publicizing of the miracle. [ibid.] And even though we do not say a *bracha* over a *minhag*, that's [only] by a simple *minhag*, such as the *minhag* of the willow [branch on Sukkos] - which is only simple beating; But this one [is as mentioned no simple *minhag* and therefore] we say the *bracha* over it. Nevertheless, no one is *yotzei* with that lighting in the synagogue, and everyone must light again in his house.

*Kol Bo 44 (& 50) [with Beis Yosef here]: To "cause to be yotzei" someone who is not expert and [someone] who is not particular regarding this [Mitzvah] [the Beis Yosef applies this to the out-of-town guests who have no house to light in (like the Kol Bo himself implies in his siman 50) just as kiddush in the synagogue was instituted for guests who eat and drink in the synagogue (as discussed in O.C. 269)]; [and] also because it's (an enhancement of the Mitzvah and) a publicizing of the miracle [before the entire populace - and to "arrange the brachos" before them - and also so that those who see (it) who have no house to make the bracha there (on their own lighting) will be yotzei their obligation; (ibid. (concerning how kiddush in the synagogue has the same purposes)) (and) this constitutes a great publicizing for His Name - and a sanctification of His name - as we bless Him "in congregations" (siman 50)] (and a commemoration of the [Beis Ha]Mikdash).*

*Who does the lighting in the synagogue*

The Mishnah in *Yoma 31b<sup>1</sup>*: He [i.e. the *kohen gadol* on *Yom Kippur*] made an quick killing cut [into the throat of the "Tamid" offering], and another [*kohen* (Rashi)] completed the slaughter "on his behalf" [because the "collecting of the blood" can only be done by the *kohen gadol*, so he needs to hurry up and go collect it (Rashi)].

The Gemara (ibid. 32b<sup>4</sup>-33a<sup>1</sup>): [One] could [think that if] he didn't complete [the slaughter - then] it would be invalid [ibid.] - by Rabbinic [decree - since when slaughtering offerings it's so central to get out the necessary blood (Rashi)]; [33a] [so] therefore it was taught [about this (i.e. the following teaching was stated explicitly - although it could have been understood by extension of other taught material - in order to shed this light on our subject)] "the majority of one [vital pipe needs to be cut] for a bird [to be

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slaughtered], and the majority of two [pipes] for a [land] animal" [i.e. to teach that even in the case of *offerings* that's all that really needs to be cut (Rashi)]. And once [we know] that there is no [decree of] being invalid even Rabbinically - [so then] why do we need [at all for anyone] to complete [the slaughter]? It is [still] a Mitzvah to complete [the slaughter - in order to get the blood out well (Rashi)].

*The basic position (and orientation) of the candles in the synagogue*

*Menachos* 98b<sup>2</sup>: The Rabbis taught in a Baraisa: They [i.e. the tables which Shlomo made (Rashi)] were positioned [oriented to the] east and west [i.e. their lengths were (aligned) with the length of the *Beis (HaMikdash)* (Rashi)] - [these are] the words of Rabbi [i.e. R' Yehudah HaNasi]; R' Elazar bar R' Shimon says: north and south. What is the reasoning of Rabbi? He derives it from the Menorah; just as [the] Menorah [was oriented to the] east and west - so too these [should be oriented to the] east and west. And [concerning] the Menorah itself - from where do we know it? From [the fact] that it is written by the western "candle" "Aharon ... shall set it up ... before Hashem" [i.e. toward the west (Rashi)] - from this [we can] infer that all [the other "candles"] are not "before Hashem"; and if it would enter your mind [to say that the Menorah was oriented to the] north and south - [then] all [the other "candles"] are also [equally] "before Hashem"! And R' Elazar bar R' Shimon - what is [his] reasoning? He derives it from [the] Ark; just as [the] Ark [was oriented to the] north and south [as set forth in an earlier Gemara (Rashi)] - so too these [should be oriented to the] north and south. And Rabbi - let him also derive [the Halacha of the tables] from [the] Ark! [He holds that] we extrapolate [the Halacha of something which is] outside [the *heichal*<sup>3</sup>] from [something else which is] outside [the *heichal*], and we do not extrapolate [the Halacha of something which is] outside [the *heichal*] from [something which is] inside [the *heichal*]. And R' Elazar bar R' Shimon - let him also derive [the Halacha of the tables] from [the] Menorah! He would say to you [that] the Menorah itself was positioned [oriented to the] north and south. But isn't it written "Aharon and his sons shall set it"? [The explanation is] that they were turned to the sides [i.e. the wick-hole of the middle "candle" (pointed) west, while those of the others (pointed) toward the middle one (Rashi)], as taught in a Baraisa: "The seven 'candles' shall shine pointing in the direction of the 'face' of the Menorah" [i.e. the middle "candle" - which rests upon the main (shaft) of the Menorah (Rashi)] - [this] teaches [us] that their "faces" were turned toward the middle "candle"; R' Nassan says: From here [we learn] that "middle is best" [concerning the three (men) who read on Monday and Thursday - the middle one reads four (*pesukim*<sup>4</sup>) and the others each read three (Rashi)].

*Whether in the synagogue one can only light in the presence of ten*

*Kesubos* 7b<sup>1</sup>: Rav Nachman said: Huna bar Nassan told me [that] a Baraisa teaches: From where [do we know that] "the *bracha* of *chassanim*" [i.e. "*Sheva Brachos*"] is [only said] with [at least] ten [men present]? - [It is] as it says (Ruth 4:2 [when Boaz marries her]): "And he took ten men from [among] the elders of the city, and he said to them 'sit here'." R' Abahu [on the other hand] said: [That Halacha is derived] from here (*Tehillim* 68:27): "In 'congregations' [which can't mean less than an 'assembly' as it says (*Bamidbar* 20:8) 'congregate the assembly' - and in *Brachos* (21b) we learn that an 'assembly' is at least ten - from the ten spies (i.e. all but Yehoshua and Kalev) who were called (*Bamidbar* 14:27) 'this evil assembly' (Rashi)] bless [the] G-d Hashem - over the 'source' of Israel [i.e. marriage]". [ibid.] And R' Abahu - what does he derive with that *pasuk*<sup>5</sup> of Rav Nachman's? To him, that was necessary

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[in order] to expound [that when it says (*Devarim* 23:4) that Jews are *assur* in marriage to] "an Ammonite" [the masculine form is a calculated one - teaching that only a *man* from the nation of Ammon is *assur*] but not an Ammonitess, [and likewise] "a Moabite" - but not a Moabite*ss* [i.e. because without this Halacha his whole marriage to Ruth would have been *assur*], [and this is in fact the *only* reasonable explanation,] for if it would enter your mind [to say that they were gathered] for the *bracha* - [then could it be that] it would not have been sufficient if they would not have been elders? And the other [one]? [He'll retort:] If it enters *your* mind [to say that they were gathered] for the expounding - [then could it be that] it would not have been sufficient if there would not have been ten? [But actually, R' Abahu would insist:] Yes - [in order] to publicize the matter, [just] as Shmuel said to Rav Chuna of Baghdad: Go out and bring me a group of ten, and [thus] I will say to you in their presence: "[In the case of] someone who grants [ownership of something] to a fetus [by means of an agent (Rashi)] - [the fetus] acquires [ownership of it]"

### *Se'if 8*

*The basic idea of having to light by every entrance because of "suspicion"*

*Shabbos* 23a<sup>3</sup>: Rav Huna said: A courtyard which has two entrances needs two "candles". Rava said: We only say [this when the two entrances emerge] from two directions [(although) even if one is in the north and one is in the east (Rashi)]; but [if they emerge] from one direction - it's not necessary. What is the reasoning? [ibid.] So really it's because of the "suspicion" of the people of that city; [for] sometimes they pass by one [entrance] and do not pass by the other [entrance], and they [might] say [i.e. think] "just as he didn't light by *this* entrance [i.e. as I just saw - so I suppose that] he didn't light by *that* entrance either".

## O.C. *SIMAN* 672 : THE LIGHTING TIME FOR THE CHANUKAH CANDLES

*Note that the order of the se'ifim is reversed.*

### *Se'if 2*

*The end of the lighting time (according to the Gemara)*

*Shabbos* 21b<sup>1</sup>: But they brought a contradiction to [the above] from a Baraisa: Its Mitzvah is from sundown until "no foot remains" in the marketplace [i.e. the "feet" of the Tarmodeans (Gemara soon afterwards) - "who are still around until about a half hour after sundown - until they reach their homes" (Rif)]; [so] isn't this [time limit's relevance] that if it went out [within this time - then] he lights it again? No, [its relevance is] that if he didn't light it [yet - then within this time limit] he [still] lights it, etc.

Rashba (ibid.): It's not [coming] to say that if one does not light within this limit [then] he does not light [any more] - for after all we learned in a Mishnah (*Megillah* 20a): "Any [Mitzvah] that is to be done by night - is valid [to be done] throughout the night"; rather, [the Gemara here merely means] that [if he misses the limit] he did not do the Mitzvah properly.

Rambam (Chanukah 4:5): [If] by mistake or on purpose [someone] didn't light as the sun comes down - he continues to [have the Mitzvah to] light until "no foot remains" in the marketplace; And how much is this time [period's length]? - about a half hour or [a little] more; [If] this time passed [i.e. and someone *still* didn't light yet] - he does not [have the Mitzvah to] light [any more].

*The amount of oil to use*

The above Gemara concludes: **Another explanation:** [The "range of time" is meant] as a "specification".

The Rif's two approaches: (1) It's like saying that one must put [enough] oil in it so that it will continue burning until that [time] specification; (2) If it was [already] "burning away" until that [time] specification [already came], and one wanted to put it out or to use its light, [so then] he has permission.

*Se'if 1*

*The "beginning of the time of the Mitzvah" is sundown*

The Rashba<sup>o</sup> explains the Baraisa's "Its Mitzvah is": It makes sense [to say] that it [i.e. this "beginning time"] is not crucial, for after all, certainly one could light just before sundown if he wanted to - for after all there [still] is a publicizing of the miracle [in that]. And [this is] similar to what [the Sages] said below (23b) by the Shabbos "candle" - that "the pillar of fire 'filled in for' [i.e. overlapped in time with] the pillar of cloud" - and [they used that] to tell [us] that [by the Shabbos "candle" as well] when one lights just before sundown it's recognizable that he's lighting it for the sake of Shabbos; and here too [we can say] similarly. [So the Baraisa means] just that the "main Mitzvah" which obligates him to light is only from sundown. And the proof [to my point] is the lighting of the Chanukah "candle" on the eve of Shabbos. [ibid.] But still, I understand from the words of the author of the [Sefer] "*Halachos*" [Gedolos (Beis Yosef from Ran<sup>o</sup>) - i.e. the Behag<sup>o</sup>] that it [really] means [that one can light] only from sundown.

Beis Yosef quoting R. Yitzchak Abouhav citing *Orchos Chayim*: Someone who lit while it was still day (i.e. even by a week-night) because he was occupied [i.e. he would not have been able to light later (*Mishnah Berurah*)] - he was *yotzei* (although this is [only] when it's in the last "half of the *mincha*"); for it's not more stringent than *havdalah* - about which we say (*Brachos 27b*) "he prayed [the *Shemoneh Esray*] of the departure of Shabbos during [the afternoon of] Shabbos". However, he has to put in more oil than the [standard] amount for lighting - so that it will burn until "none of the feet of the Tarmodeans remains."

*Someone who lit "too few candles" and wants to fix that*

The Beis Yosef in the name of the *Orchos Chayim*<sup>o</sup>: Someone who lit only two "candles" on the third night - or three on the fourth night: this happened in Lunil, and they [i.e. the local authorities] were stringent [in their ruling and thus required] that he light what his [original] lighting was missing; and he doesn't need to say the *bracha* again, because the *bracha* that he made at the start - he made (it) over the obligation of all the "candles".

## O.C. SIMAN 673 : OILS AND WICKS THAT ARE VALID FOR CHANUKAH

*Se'if 1**To make use of the light of a Chanukah candle*

*Shabbos 21a*<sup>3</sup>: Rav Huna said: [The] wicks and oils which the Sages said "one may not light with them by Shabbos ['candles']" - one may not light with them by Chanukah ["candles" either], whether on Shabbos or on a weekday. Rava said: What is the reasoning of Rav Huna? - he holds [that if] it went out - he is responsible for it [to fix it - and therefore one must do it properly to begin with - (in case then) he may be negligent (Rashi)], and [that] it's *muttar* to make use of its light [(and) therefore on Shabbos (they're) *assur* (because) perhaps he would adjust (the "candle" to improve the flame) (Rashi)]. And Rav Chisda said: One may light with them [by Chanukah] on a weekday, but not on Shabbos. He holds [that if] it went out [21b] - he is not responsible for it, and [that] it's *muttar* to make use of its light. R' Zeira said in the name of Rav Masnah (and some say [that] R' Zeira said [it] in the name of Rav): [The] wicks and oils which the Sages said "one may not light with them by Shabbos ['candles']" - one may [nevertheless] light with them by Chanukah, whether on Shabbos or on a weekday. R' Yirmiyah said: What is the reasoning of Rav? - he holds [that if] it went out - he is not responsible for it, and [that] it's *assur* to make use of its light [so there's no reason to be concerned about him adjusting it (Rashi)].

*What kind of "making use" is assur*

*Shabbos 22a*<sup>1</sup>: Rav Yehudah said: Rav Assi said (in the name of Rav): "It's *assur* to hold money out toward the Chanukah "candle" [i.e. to inspect or count the coins (Rambam)]"; [however,] when I said this before Shmuel, he said to me: "And does a 'candle' then have sanctity?" Rav Yosef challenged that: And [according to you - wouldn't we have to ask] "does blood then have sanctity?", for it was taught in a Baraisa: [It is written] "And he shall spill" [and right afterwards] "and he shall cover" - [this teaches that] he [has to] cover it with that [same limb] with which he spilled it [i.e. his hand (Rashi)], [meaning] that he cannot cover it with his foot - for the Mitzvahs shall not be disgraceful to him; [so] here too [that's why it's *assur* in the case of the "candles"] - for the Mitzvahs shall not be disgraceful to him. [ibid.] Rather, Rav Yosef said: The "father" of all of these [things being *assur*] is [the above Halacha about] blood.

Rosh<sup>o</sup> (*Shabbos 2:6*): Even though it was already ruled above that it's *assur* to make use of its light [for] any use, [still] we need that [statement] of "holding money out"; because that which we say above that it's *assur* to make use of its light - that's only [said about] a "fixed" use [i.e. a focused and purposeful one] - for one who sees [it] says [i.e. thinks] "[It seems that] it's for the sake of this use that he lit it and not for the sake of a Mitzvah"; but [as for] a "momentary" use - [obviously] for *that* he didn't light it; and [so now] Rav Assi informs us that even a "momentary" use that's disgraceful is *assur*, because [since] his hands are next to the candle in order to examine them [i.e. the coins] well - [so therefore] it's *assur*; And this is also implied by the wording, as he said "toward the Chanukah 'candle'," and he didn't say "It's *assur* to hold money out by its light."

*Which "oils and wicks" one should use for the lighting (on a weeknight)*

*Shabbos* 23a<sup>1</sup>: R' Yehoshua ben Levi said: All oils are fitting for the [Chanukah (Tosafos)] "candle", and olive oil is the choicest. Abbaye said: Originally, "the master" [i.e. Rabbah] would try to use sesame oil, [as] he would say "this [oil] drags [out] the light more [i.e. it lasts longer (Rashi)]"; [but] once he heard this [statement] of R' Yehoshua ben Levi - [from then on] he tried to use olive oil, [as] he would say "the light of this [oil] is clearer."

*"Oil that is to be burned" (i.e. contaminated terumah oil)*

The last *Yerushalmi* in *Terumos* (59a): What is [the Halacha about] lighting "oil that is to be burned" for Chanukah? The House of R' Yannai say: One may light "oil that is to be burned" for Chanukah. R' Nisa said: [As for] me - I am not knowledgeable about my father; [but] my mother used to say to me, "Your father would say, 'Someone who doesn't have oil which is *chulin* [i.e. that which has no sanctity at all] lights for Chanukah with oil that is to be burned'."

*Which one is the "shamash"*

The Tur<sup>o</sup> brings a responsum of his brother ("HaRav R' Yechiel"): [Question:] Chanukah "candles", [by] which one simply lights one extra ["candle"] to [have] a "shamash", and he didn't specify which one of them [was in fact to be the "shamash"]; [Is it true that] he could afterwards choose whichever he wants to be the "shamash" - even the first or [one of] the middle ones; or [perhaps he can choose] only the last one (and that's what makes sense [i.e. to me, the questioner])? Answer: [When it comes to] Chanukah "candles" - one should not interrupt [between] them; therefore - the last one becomes [the one that's] not for the sake of [being] a [real] Chanukah "candle", [the purpose of which is] so that if he will make use of their light - it will be the light of that "candle" that he uses; And [you should know however that] the name "shamash" does not apply to it - for the "shamash" is the one with which he lights the [other] "candles".

*Solid Chanukah candles which got mixed up with others (such as ones that were only a "shamash")*

Tosafos (*Yevamos* 81b): I hold that the explanation of the latter [item of the Baraisa], when [the contaminated piece of meat] got mixed up with [pure ones] that were *chulin* [i.e. having no sanctity at all] is because after it becomes "*batel*" [i.e. if we'll say that it can] then it's worthy of honoring with - and therefore everyone agrees that it [in fact] doesn't become "*batel*"; but the earlier [item of the Baraisa], when [the contaminated piece of meat] got mixed up with pure pieces of *chatas*<sup>\*</sup> [offerings], in which case even if it would "come up" [i.e. become "*batel*"] - it's not worthy of honoring with - for "honoring" isn't relevant before the *kohanim* in the [*Beis Ha*]Mikdash [for the *kohanim* don't consider themselves indebted to each other (i.e. over what they get to eat) - for they're all equal, as it is written "it shall be for all the sons of Aharon - (each) man (just) like his brother" (Tosafos to *Chulin* 100a)], and consequently it "comes up" [i.e. becomes "*batel*"] (according to the first *Tanna*).

The *Terumas HaDeshen*<sup>o</sup> (103): Question: [Let's say a number of] people lit in one house, and one Chanukah candle got mixed up among two candles that are "shamash" [candles], and all of them are sitting there burning - and we don't know which of the candles is the Chanukah candle. [Is the Chanukah candle] *muttar* by

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[means of] becoming "*batel*" within the majority - and [therefore] it's *muttar* to derive benefit from the three of them - or not? Answer: I hold that it's not "*batel*". Although we rule that [by] all things which are *assur* - if they're [mixtures of] solid things one becomes "*batel*" within two - and it's *muttar* [to take from] the entire mixture - [but] here they are "something counted"; for after all, we light [Chanukah candles] "by count" each night; And "something counted" - even if it's being *assur* is [merely] Rabbinical - does not become "*batel*", as the *Sefer HaTerumah*<sup>o</sup> ruled on [the issue of] the [Baraisa of "the 'litra' of dried figs" [*Beitzah* 3b]. And if you'll say that the only [thing] called "something counted" is something which is measured *in the marketplace* by counting (and not by weight [or] by estimation); and [only] in *that* way is it recognizable that it's a "significant" thing (and therefore it's not "*batel*"), but [in contrast] these candles - even [after] granting [the fact] that we light them "by count" - [but] nevertheless if they were being sold out of a store in a place where most things are sold by weight (such as in "*eret lo'eiz*" [a foreign country]) they [too] would be sold by weight for usage purposes, and consequently they should *not* be [included] in the "significant" things, and [therefore such a candle should be] "*batel*" within the majority! (And lighting "by count" - that's [merely] because of the Mitzvah obligation, for that's its Mitzvah.) [Still,] I hold [it's *correct*] to say: Nevertheless, once they got mixed up after they were lit for Mitzvahs, and now they're "something counted" as regards their [own] concern, [so therefore] even though with respect to "the mundane and the like" this is not "something counted" - [nevertheless for the matter at hand] it can well be considered "something counted". And we find similar reasoning, even to be lenient, in Tosafos and the Rosh<sup>o</sup> in the chapter "*Gid HaNasheh*" (i.e. *Chulin* 100a) - and likewise in Tosafos in the chapter "*Ha'arel*" (i.e. *Yevamos* 81b), etc., [ibid.] so we see here that even though the *chulin* piece (and the like) is worthy of "honoring" with, [still in] the other [case where they're pieces of] *chatas* [offerings] - once they're not considered worthy of "honoring" with - as regards their [own] concern (the way they are now) - we go after [that] to be lenient; so all the more so [do we use such reasoning] in the opposite direction [here] - to be stringent.

### Se'if 2

#### *If he himself accidentally put out his own candle while trying to fix it*

The *Beis Yosef* brings a responsum of the Rashba<sup>o</sup> (1:539): It makes sense [to conclude] that he is not obligated to [re-]light it, since it's like [the Gemara's case of when] "it went out", for "the lighting makes the Mitzvah" - and he already lit it; And if he is going to [re-]light it - he does not say a *bracha* on [the re-lighting], because after all - he already *did* the Mitzvah of lighting.

### Se'if 3

#### *An "old candle"*

"*Tractate Sofrim*" [see note to 676:4] (20:3): And it is *assur* to light with an "old candle"; and if he only has an "old" one - he [must] "whiten it" by fire [i.e. blowtorch it] (very) well.

*Se'if 4**Changing the wicks each night*

"Tractate Sofrim" [see note to 676:4] (20:4): **And there is no [need for] concern over changing its wick, [but rather one may continue] until it is finished.**

O.C. SIMAN 674 : WHEN IS IT *MUTTAR* TO LIGHT ONE CANDLE FROM ANOTHER?

*Se'if 1**The sugya\* of lighting from one candle to another candle*

*Shabbos* 22a<sup>2</sup>: **It was stated: Rav said: One may not light from one "candle" to another "candle" [of Chanukah (Rashi)]; and Shmuel said: One may light. [ibid.] Abbaye said: [In] all of the matters of "the master" [i.e. Rabbah bar Nachmeini (Rashi)] he acted in accordance with [the position of] Rav - except for these three [that follow] in which he acted in accordance with [the position of] Shmuel: One may light from one "candle" to another "candle", etc. [ibid.] One of the Sages was sitting before Rav Ada bar Ahavah - and he was sitting and [at the same time] he was saying: "The reasoning of Rav is because of disgrace to the Mitzvah" [i.e. that he lights a "kisem" (i.e. a wood chip or toothpick or the like) from a Mitzvah "candle" - and from *that* he lights the rest (Rashi - based on the Gemara later)]; He said to them: "Pay no attention to him - the reasoning of Rav is because he is weakening the Mitzvah" [for it looks like someone who is taking away the light - and drawing a little of the moisture of its oil (Rashi)]. What is [the case where there is a difference] between them? There is [a case where there is a difference] between them - if one were to light from one "candle" to another "candle" [i.e. without a "kisem" (Rashi)]. [ibid. 22b] Rav Sheishes challenged [Rav with a certain Baraisa], etc.; [and the Gemara's conclusion on the point is:] In the end of the day, according to the one who said [that Rav said it's *assur*] because of weakening the Mitzvah - it is difficult! It is [indeed] difficult. What was there about this [i.e. what was concluded]? Rav Huna the son of Rav Yehoshua said: I look [at the following]: If [we say that] the lighting makes the Mitzvah - [then] one may light from one "candle" to another "candle" [i.e. since in so doing he is performing the Mitzvah itself]; And if [we say that] the "setting in place" makes the Mitzvah - [then] one may not light from one "candle" to another "candle" [for then lighting isn't so much of a Mitzvah (Rashi)].**

Tosafos (*Shabbos* ibid.): **"What was there about this?" - [That's] surprising: What's [the Gemara] asking; and also, what does he mean [by responding], "We look [at it] - If the lighting" etc.; Isn't it apparent that the Halacha is like Shmuel? - for after all, Rabbah acted in accordance with him [i.e. with his position]; and if so - [lighting by means of] a "kisem" is also *muttar*: because we *have* to say they're disagreeing by [a case with] a "kisem" and about [whether to say it's *assur* because of] disgrace to the Mitzvah; for after all, the one who explained Rav's reasoning [as being] because of "weakening the Mitzvah" was refuted! So [we] have to say that he [i.e. Rav Huna the son of Rav Yehoshua (and the Gemara at this point)] does not take Rabbah's words [as being] "essential" [i.e. authoritative] (i.e. rather he holds we rule like Rav since it's an issue of "what's *assur*" [Rosh]); and [although the explanation of "weakening" was refuted, nevertheless (Rosh)] he's asking whether the "setting in place" makes the Mitzvah - and [therefore] it's *assur* according to Rav [to light] from one "candle" to another**

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"candle" [i.e. even *directly*] because of "disgrace to the Mitzvah" [equally] like with a "*kisem*"; or [do we say that] the lighting makes the Mitzvah - and it's *muttar* [just] like in the case of the Menorah [i.e. whose "candles" the Gemara in the middle of the *sugya* said could be lit from one another *directly*] - for we are [certainly] not concerned over [it being a] "weakening of the Mitzvah"; and [then] it establishes that the lighting makes the Mitzvah - and [therefore] it's *muttar* [to do it *directly*].

Alternatively, I found in the name of [the] *RIVA*"*M*, [the explanation is] that he is [really] asking [what the Halacha is] according to Shmuel - for the Halacha is like him; and he is [therefore] asking if we hold as was said above - that according to the one who said [Rav's reasoning was] because of disgrace to the Mitzvah - [then] it's *muttar* to light from one "candle" to another "candle" [i.e. *directly*] according to Rav; and if so they are disagreeing by [a case with] a "*kisem*" - and Shmuel holds it's *muttar* [even] by [a case with] a "*kisem*"; or perhaps we do not hold that way; and [rather we say that even by a case of lighting *directly*] from one "candle" to another "candle" there's also [a problem of] disgrace to the Mitzvah - and Rav holds it's *assur* - for the "setting in place" makes the Mitzvah, and [as such] it's not comparable to the Menorah; and [therefore] Shmuel only holds it's *muttar* [by lighting *directly*] from one "candle" to another - but by [a case with] a "*kisem*" he agrees that it's *assur*; and the conclusion is [that] we see that we ask [this question] and solve [it by concluding] that the lighting makes the Mitzvah - and [so] according to Rav one *may* light [*directly*] from one "candle" to another like by the Menorah, and according to Shmuel it's *muttar* even by [a case with] a "*kisem*".

O.C. *SIMAN* 675 : THE LIGHTING MAKES THE MITZVAH (NOT THE "SETTING IN PLACE")

### *Se'if 1*

*The lighting makes the Mitzvah (not the setting in place) so that has to be for the Mitzvah's sake*

*Shabbos* 22b<sup>2</sup>: (For) it was asked by "them" [i.e. the Sages]: [Do we say that] the lighting makes the Mitzvah, or [that] the "setting in place" makes the Mitzvah [i.e. which does the Mitzvah chiefly depend on (Rashi)]? [ibid.] Come and hear [a proof]: for R' Yehoshua ben Levi said: [23a] A "glass" [lantern] which had been constantly burning the entire day [having been lit for the Mitzvah on the eve of *Shabbos* (Rashi)] - on the departure of *Shabbos* one puts it out and [then once again] lights it [for that night's Mitzvah (Rashi)]; [Now,] we [can] understand [this] well if you say the lighting makes the Mitzvah; but if you say the "setting in place" makes the Mitzvah - [should] this [statement read] "one puts it out and [then once again] lights it"?! - [surely] it should [have read] "one puts it out and [then] picks it up and places it [back] down and [only then] lights it"! And furthermore, from [the fact] that we [word] the *bracha* "...who sanctified us with his Mitzvahs - and commanded us to *light* a Chanukah 'candle'," [let's] derive from this [that] the lighting makes the Mitzvah! [Let's indeed] derive [it] from this.

*Someone who lit the candle but stood there holding it*

*Shabbos* 22b<sup>2</sup>: Come and hear [a proof]: for Rava said: [If] one was holding a Chanukah "candle" and [merely] standing [i.e. he was holding it from when he lit until it went out (Rashi)] - he didn't do anything; [let's] derive from



this [that] the "setting in place" makes the Mitzvah! There, [it's because otherwise] one who sees [it] says [i.e. thinks]: "It's for his [personal] needs that he's holding it."

*Someone who lit indoors and then brought the candle outside*

*Shabbos 22b*<sup>3</sup>: Come and hear [a proof]: for Rava said: [If] one lit it indoors and [then] brought it out [i.e. to the "outside" of his entranceway where it belongs (Rashi)] - he didn't do anything; [Now,] we understand if you say [that] the lighting makes the Mitzvah - [so] that's why he didn't do anything [because since this is its (fundamental) Mitzvah (act) - it needs to be done in a "place of obligation" (Rashi)]; but if you say the "setting in place" makes the Mitzvah - [then] how come he didn't do anything? There, as well, [it's because otherwise] one who sees [it] says [i.e. thinks]: "It's for his [personal] needs that he lit it."

*Moving the synagogue "menorah" (with candles burning) to its year-round regular place*

The *Beis Yosef* quotes R. Yitzchak Abouhav<sup>o</sup>, who brings from the *Nimukei Yosef*<sup>f</sup>: One time, he [i.e. the *Nimukei Yosef*] saw in the synagogue that they had lit the "candles" in the vessel [in] which they lit all year to provide light, for in that vessel - "candles" were set up to [be] Chanukah "candle[s]"; and after the lighter had lit the Chanukah "candle[s]" - he moved the rope in his hand so as to raise the vessel [and thereby] to position it in its special year-round place. And he [i.e. the *Nimukei Yosef*] opposed the lighter - [insisting] that he shouldn't do that; for even though those standing in the synagogue heard the *bracha* of Chanukah at the time of the lighting, nevertheless someone who sees [it] who wasn't there at that time could say [i.e. think]: "It's for his [personal] needs that he lit it." And therefore, he commanded that he should not raise it - but rather that he should leave it [down] below - below ten [*tefachim*<sup>\*</sup>]. And he said that there is still [reason] to question *this*, because they still make use of its light; and since all year they are used to lighting it to make use of its light, [so] even though it's *not* in its place - since there is no [extra] "candle" in the place of the Chanukah "candle[s]" - it's impossible that the Chanukah "candle[s]" not serve those standing there instead of the "candle(s)" they were used to. Therefore, for purposes of Chanukah, what's appropriate is to "innovate" [the use of] a separate vessel.

R. Yitzchak Abouhav writes his *own* position on this: I hold that since the candle-lighting in the synagogue is merely a (practiced) *minhag*, and [therefore] we are not concerned that it be by the entrance - [but] rather [it's done] before the (*heichal* [i.e. the]) *Aron HaKodesh*<sup>\*</sup>; [consequently] one should not be so particular because of "those who come in and those who go out" regarding it. And furthermore, even in the home we light only for the members of the household nowadays; and if so, according to this, one should not be so concerned for people passing to and fro; and all the more so in the synagogue, for after all, all those who come there know that these "candles" are for Chanukah. And also, it would seem that since he already lit them in an inappropriate place - it's [considered] like [a case where] "it went out" - where [the Halacha is that] "he is not responsible for it."

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*Se'if 2**Having the necessary amount of oil before lighting*

The Rosh<sup>o</sup> (*Shabbos* 2:7): Since "the lighting makes the Mitzvah", one needs to put [an amount of] oil in "the candle" [i.e. the container to be used] according to "the specification" [i.e. for the amount of time it has to burn (discussed above 672:2)] *before* lighting; but if he said the *bracha* and lit and *afterwards* he added oil [reaching] up to "the specification" - he was not *yotzei* his obligation.

*Se'if 3**Chanukah candle-lighting by a woman*

*Shabbos* 23a<sup>1</sup>: And now that we say "the lighting makes the Mitzvah", [if] someone who's deaf or insane or a minor lit it - he didn't do anything [i.e. even if an adult set it in place (*Ran*)]. [But] a woman definitely lights; for R' Yehoshua ben Levi said: Women are obligated in [the Mitzvah of] a Chanukah "candle", for they too were in that miracle.

Rashi (*Shabbos* *ibid.*): For the Greeks decreed upon all virgins who are getting married - that they have relations with the official first; and the miracle was performed through a woman.

## O.C. SIMAN 676 : THE ORDER OF THE BRACHOS AND THE LIGHTING

*Se'if 1**The sugya\* of the brachos of Chanukah candles*

*Shabbos* 23a<sup>2</sup>: Rav Chiya bar Ashi said in the name of Rav: One who lights a Chanukah "candle" has to "be *mevareich*" [i.e. say (at least one) *bracha*]; And Rav Yirmiyah said: [Even] one who [merely] *sees* a Chanukah "candle" has to "be *mevareich*". Rav Yehudah said: [On] the first day - one who sees "is *mevareich*" two [*brachos*] and one who lights "is *mevareich*" three; [and] from then on - one who lights "is *mevareich*" two [*brachos*] and one who sees "is *mevareich*" one. What [*bracha*] does he deduct [after the first night (Rashi)]? He deducts [the *bracha* of] "time" [i.e. "*shehecheyanu*"]. But let him deduct [the *bracha* of the] "miracle" [i.e. "*she'asah nissim*"]! There was "[a manifestation of the] miracle" on all the days [for after all - all eight (days) they lit from the container (of oil), but (as for the *bracha* of) "time" - once He "caused us to reach" the *beginning* of "the time" - (that's all there is to) "He caused us to reach" (Rashi)]. What *bracha* does one [who lights] say? He says the *bracha*: "...who sanctified us with His Mitzvahs - and commanded us to light [the] 'candle' of Chanukah." And where did He "command us"? [After all, it's merely Rabbinical! (Rashi)] Rav Avya said: [It is derived] from [the *pasuk*\* (*Devarim* 17:11)] "You shall not turn away [i.e. act differently from the decisions of the Sages]"; Rav Nechemiah said: [It is from the *pasuk*\* (*Devarim* 32:7)] "Ask your father - and he will tell you; your elders - and they will 'say to you' [i.e. direct you]."

*Saying brachos without doing any lighting or even seeing*

The *Me'iri* to *Shabbos* 23a: Someone who doesn't have [anything] to light, and isn't in a place where he'll be able to see [any Chanukah "candles" either]: Some hold that he says the *brachos* "*she'asah nissim*" and

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**"shehecheyanu"** by himself on the first night, and **"she'asah nissim"** [alone] on all the [other] nights; and these words appear [to be correct].

*If someone did not say the bracha of "time" ["shehecheyanu"] on the first night*

Eiruvin 40b<sup>3</sup>: This [i.e. the explanation that the words "seven" and "eight" (in *Koheless* 11:2) refer to mentioning *Yom Tov*\* in a *bracha* all seven or eight days (and not to saying "shehecheyanu")] in fact [is the only approach that] makes sense; [because] if it would enter your mind [to explain that it refers to saying the *bracha* of] "time" ["shehecheyanu"] - is there then [a relevance to the *bracha* of] "time" ["shehecheyanu"] all seven [days]? That's not a difficulty [because "shehecheyanu" in fact is relevant to all seven days], since if one does not say [that] *bracha* today [i.e. on the first day of *Yom Tov*] - he says the *bracha* on the next day or another day [of *Yom Tov*].

*Se'if 3*

*The bracha of "one who sees"*

Rashi (*Shabbos* 23a): I found [written] in the name of "Rabbeinu Yitzchak ben Yehudah", that he said in the name of "Rabbeinu Yaakov", that this *bracha* was designated only for someone who did not light by his house yet, or for [someone] sitting on a ship.

The Rashba and the Ran (to *Shabbos* ibid.) add more conditions: ...and [only for someone that] "they didn't light for him in his home", and he's not going to light later that night; [but] otherwise - he does not have to say a *bracha*; for we have not found [a case where] one is *yotzei* [lit. "goes out of"] a Mitzvah and says a *bracha* again over "seeing" [so (it follows that similarly) one does not say a *bracha* over "seeing" if later he is going to be able to say a *bracha* over "lighting" (*Mishnah Berurah*)].

*Se'if 4*

*"HaNeiros Hallalu" ["These candles"]*

Right after the *bracha*, it says in "*Tractate Sofrim*" (20:6): **And one says: These "candles" ["ha'aylu"; Rosh's version: "hallalu"] we light over the-salvations ["haYeshu'os"; Rosh's version: "haTeshu'os"] and-over the-miracles and-over the-wonders which ["asher"] You-performed for-our-forefathers by means-of Your-kohanim that-are-holy ["haKedoshim"]; and-all (the-Mitzvahs-of) the-eight days-of Chanukah - these "candles" ["they" (Tur)] are-holy, and-there-is-no permission for-us to-make-use of-them - but-rather only to-see-them; in-order to-give-thanks ["and-Hallel-praise" (Tur)] to-Your-Name ["that-is-great" ("haGadol") (Tur)] over Your-wonders and-over Your-miracles and-over Your-salvation ['yeshu'asecha'].**

*Se'if 5*

*The order of the lighting (with respect to how the candles stand by the entrance)*

*Zevachim* (62b): **All the turnings which you turn - they should only be in the way of the right.**

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The *Mordechai*<sup>o</sup> (*Shabbos* 2:267) [when listing practices of the Maharam<sup>o</sup> (of Rottenburg)] applies that: **And when he would light the "candles", he would begin "to the left side" and [then] turn to the right side.**

The *Terumas HaDeshen*<sup>o</sup> (106): **The people of Austria (and all its subsidiaries) begin on the right side, and light in the way [i.e. direction] that we - the people of the covenant - write [i.e. in Hebrew (from right to left)]. [As for the Gemara of "turning toward the right",] (1) it's possible that they consider this approach "turning toward the right", and (2) even if this approach is not [considered] "turning toward the right" - I hold [it's still possible] to justify the *minhag*: For nowadays in most places - and [in] the vast majority of the [Jewish] world - even [by] Torah scholars, they don't have *mezuzahs* in the "winter house" in which they light. If so, they have to light on the right [side] of the entranceway [i.e. from the point of view of someone going *in* (which the person lighting - who's on the inside facing *out* - would call "the left side of the doorway")] next to the *tefach*<sup>\*</sup> nearest to the entrance (as it says in the *Mordechai* that [it applies] even for "us" who light indoors). And if so, that candle which is opposite his right is always the closest to the entrance - and that is [where] he has to start [from], for it's the main [candle] of the Mitzvah - for it would have been enough [just] with that one if he hadn't wanted to be [one] of the "enhancers" ["*Mehadrin*"]; but [as for] the Maharam - he had a *mezuzah* by his entrance, and if so - he had to light on the left [side] of the entranceway, and if so - the "candle" closest to the entrance [was] always opposite his left. And one [might] ask: If so, why does [the Maharam] need the reasoning of "all the turnings" etc. - this [above] reasoning should have been enough for him! [But] one can answer (that) the practical effect [would be] if the "candles" were arranged from the side of the entrance [out in a line] toward the wall that's opposite the entrance, such as if the entrance were in the east - and the "candles" were arranged from east to west; so then, he needs to face south - and to start with the "candle" that's closest to the entrance (and he shouldn't face north - and start with that same "candle") - because of "all the turnings" etc.**

O.C. *SIMAN* 677 : THE HALACHOS OF A "GUEST" CONCERNING CHANUKAH CANDLES

*Se'if 1*

*The basic principle of being a "guest" on Chanukah (i.e. the difference in whether one is married)*

*Shabbos* 23a<sup>1</sup>: Rav Sheishes said: An "*achsenai*" [=guest (Rashi)] is obligated in [the Mitzvah of] a Chanukah "candle". R' Zeira said: At first, when I was in "the house of the teacher" [i.e. *yeshiva*], I would "join [in partnership] with *perutos* [i.e. coins]" with the "*ushpiza*" [=host (acc. to above Rashi {whereas if "*achsenai*" would mean "tenant", then "*ushpiza*" would be his landlord})]; After I took a wife [and sometimes I was a guest (in order) to learn Torah (Rashi)], I said: "Now I certainly don't need to, because they're lighting for me in my home."

*If many people live together in one courtyard*

The Tur writes in the name of "Rav Sar Shalom": **Many people who live in one courtyard - the strict Halacha is that they join [in partnership] in the oil and they are all *yotzei* with one "candle"; but for an "enhancement" of**

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the Mitzvah - each one lights for himself by the entrance of his house; and if [someone] opens a [separate] gate for himself - he is *obligated* to light [there], because of "suspicion".

### Se'if 3

#### *Details about when "others light for him at home"*

The *Beis Yosef* quotes the *Mordechai*<sup>o</sup>: Nevertheless [i.e. even though if "they light for him at home" then he does not have to light on his own (*Beis Yosef*)], he [still] needs to *see* [a Chanukah "candle"], as we say [in the] nearby [Gemara (see above *siman* 676)]: "One who sees - on the first day he says two *brachos* [and] from then on [he says] one"; And so says "the *Ri*" that the *minhag* of people who would go to the trade fair - and no Jew lived in that city - [is that] they light in the house of the non-Jew [where they stay].

The *Beis Yosef* brings R. Yitzchak Abouhav<sup>o</sup> as quoting the *Orchos Chayim*<sup>o</sup>: Someone who goes to a village where there are no Jews, and stays there overnight on Chanukah: Even if he has no house of his own, we heard that the *minhag* of "*haRav* R' Meshulam" was to light with a *bracha*, as a commemoration of the miracle. [ibid.] Someone who is going on a boat - or if he is in a house of non-Jews - he lights with *brachos*, and he places it on his table; and it's not comparable to a "guest" which we said [about him] that if "they light for him in his home" he doesn't have to join [in partnership], because there it's different - for there is a publicizing of the miracle in the lighting of his "host".

The *Beis Yosef* quotes the *Terumas HaDeshen*<sup>o</sup>: A guest who is married: If he wants to light with a *bracha* as an "enhancement", that's just fine.

### Se'if 4

#### *The left-over oil and wicks*

The Midrash (*Tanchuma* to *Naso* {chapter 29} and *Pesikta Rabasi* {beginning of section 3}): A Chanukah "candle" which [had] left over oil in it by the first day - one adds a bit to it and lights it by the second day; and if it [had] left over by the second day - one adds to it by the third day and lights it; and so on by the other days; but if it [had] left over by the eighth day - one makes a significant fire for it ["and burns it" (*Pesikta* & the authorities' version)] by itself. Why? Once it was set aside for the Mitzvah - it's *assur* to make use of it.

Problems with this Halacha are discussed by the Ramban<sup>o</sup> (to *Shabbos* 21b) [after bringing it in the name of "a number of Gaonim]: If it's a tradition - then we'll accept it; [ibid. (explaining the Halacha's reason)] since he put it [in] and set it aside such that it be used up through the Mitzvah - it became *assur* to him forever as if he "dedicated it to Heaven" [i.e. vowed to donate it for Sanctuary use]; and it's not comparable to [left-over oil of] a Shabbos "candle" - which everyone agrees is *muttar* (for) after Shabbos; because that [oil] is "made use of" even in the duration of its Mitzvah [itself] - because that's what it's there for from the start - [so] therefore the Halacha of being "*assur* to benefit from" does not "rest on it" [i.e. become applicable to it]. And the truth of the

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matter is that I would not have thought so [i.e. that by Chanukah it's any different], because it becomes *assur* while it's lit only because of disgrace to the Mitzvah, and once it goes out - it's logical that it should [then] be *muttar* - for its Mitzvah is complete already. [ibid. (after bringing the Rif, who said that the Gemara's words "as a {time} specification" tell us that it's *muttar* to make use of its light - or to put it out - once it has burned for the "specified" amount of time)] **And I hold [that] from this [we can prove] that if [the "candle"] left over oil in it - that it's *muttar* even by the first day [itself] - even to put it out and to use the left-over oil; for once [we say that] it's *muttar* to make use of its light [i.e. after "the time"] even while it is still burning like its Mitzvah [is to burn] - all the more so [it's clear] that if it goes out it's *muttar*; and even though one could say [in response to this argument that] these words [of the Gemara and the Rif are only said] by oil which went *beyond* the specification, but if it went out *during* its time [period] - [then] it's *assur* forever, for it was set aside for the Mitzvah; And [nevertheless] I do not hold [that it makes sense to say] this.**

*If the above oil got mixed together with other oil*

The Tur<sup>o</sup> writes: **And if any of it gets mixed together with other oil, and there isn't sixty [times as much *muttar* oil] to make [the *assur* oil] "*batel*": The Maharam<sup>o</sup> of Rottenburg wrote that one may not add [more *muttar* oil] to it [i.e. to the mixture] in order to make it [i.e. the *assur* oil] "*batel*"; and it's not comparable to branches that fell from a palm tree [directly] into an oven on *Yom Tov*<sup>\*</sup> - [in] which [case] one [may] "multiply prepared logs against them" [i.e. add more until there is a majority] and [thereby] make them "*batel*" (*Beitzah* 4b), because there it's different - for he does not derive benefit from them [i.e. the wood mixture] until *after* they're burnt up; but here, he derives benefit from it [i.e. the oil mixture] at the [very] time when the "candle" burns. (And it's also *assur* to keep it around, etc.,) [ibid.] Consequently, there is no solution for it [to be able to be used].**

O.C. *SIMAN* 678 : PRECEDENCE OF SHABBOS CANDLES OVER CHANUKAH CANDLES

*Se'if 1*

*If one can only afford either a Shabbos candle or a Chanukah candle (not both)*

*Shabbos* 23b<sup>1</sup>: **Rava said: It is obvious to me [that between] the [basic obligation of a single (*Mishnah Berurah*)] "candle" of one's home [i.e. on Shabbos (*Rashi*)] and the Chanukah "candle" - the "candle" of one's home is greater [in importance - for someone too poor to buy oil for two "candles" (*Rashi*)], because of [the need for] "the peace of one's house" [just like the Gemara says (*Shabbos* 25b) that (the Mitzvah of) lighting Shabbos "candles" is called "peace" - because for the members of one's household to remain in the dark is a pain (*Rashi*), because one keeps tripping (*Rashi* to 25b)].**

*If one can only afford either a Chanukah candle or wine for kiddush (not both)*

*Shabbos* 23b<sup>1</sup>: **Rava asked: [If one has to choose between] the Chanukah "candle" and "the '*kiddush*' ['sanctification'] of the day" [i.e. the Mitzvah of *kiddush*] - what is [the Halacha]; [Should we say that] "the '*kiddush*' of the day" is greater [in importance] - because it is [the more] frequent [Mitzvah], or perhaps [we should rather say that] the Chanukah "candle" is greater [in importance] - for the sake of the publicizing of the miracle?**

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After he asked it - he resolved it [and said]: The [basic obligation of a single (*Mishnah Berurah*)] Chanukah "candle" is greater [in importance], for the sake of the publicizing of the miracle.

The *Ran*<sup>o</sup> (on these words): One can ask: And how do we push aside "the '*kiddush*' of the day", which is Torah-mandated, because of the [Shabbos] "candle" of one's home and the Chanukah "candle" [i.e. which are Rabbinical]? One can answer: We do *not* push it aside; for after all, it is possible to say *kiddush* over bread.

O.C. *SIMAN* 679 : CHANUKAH CANDLE-LIGHTING ON THE EVE OF THE SHABBOS

*Se'if 1*

*Whether the Shabbos candle or the Chanukah candle is the one to light first*

The *Ramban*<sup>o</sup> (to *Shabbos* 23b): From [the fact] that we say: "[When choosing between] the [Shabbos] 'candle' of one's home and the Chanukah 'candle' - the 'candle' of one's home is greater [in importance]," I infer that even [regarding] coming first - one puts the [Shabbos] "candle" of one's home before the Chanukah "candle", for any [Mitzvah] - which is greater and more frequent than another - comes before it; but I saw [written] that the *Behag*<sup>o</sup> said: "(And) when one has to light the Chanukah "candle" and the Shabbos "candle" - first he lights that of Chanukah and afterwards he lights that of Shabbos, for if he would light that of Shabbos first - it would become *assur* for him to light that of Chanukah, because he [would have already] accepted upon himself the Shabbos." And this reason is so very far-fetched; [ibid.] just the opposite: it's not because it *is* Shabbos that he is lighting, [but] rather it's because it is *not* Shabbos yet that he is lighting.

O.C. *SIMAN* 680 : PLACING CANDLES CLOSE TO THE ENTRANCE (THE NIGHT OF SHABBOS)

*Note that the order of the se'ifim is reversed.*

*Se'if 2*

*Setting up the Shabbos Chanukah candles "attached to the door itself"*

*Tosafos* (*Shabbos* 120b): As a result of this [i.e. opening or closing the door], the "candle" shakes, and the oil is distanced from the flame - or brought closer [to it], and that's [considered a *melacha*<sup>\*</sup> accomplishment of] "putting out" [a fire] - or "causing to burn"; [ibid.] And if [it were] not [for the concern] for "putting out" and "causing to burn", it should not be *assur* because of moving [the "candle" which is "*muktzeh*"], because with the [person's] closing of the door - it's not considered [that he is doing an act of] "moving", and it's also not [a case where the door becomes] a "support for something *assur* [to be moved]" [i.e. a "*bassis*"], etc.

The *Tur*<sup>o</sup> here: (The *Maharam*<sup>o</sup> of Rottenburg wrote: When I was in France, I saw that) "*HaRav R' Shmuel*" did not have a place behind the door to light Chanukah "candles", and he would attach them to the door itself - behind the door, and he supplied [the] reasoning for the matter: [ibid.] (and) one cannot say that when he opens or closes [the door] he leans the oil or the wax toward the wick - or distances it from it - and it comes

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out [that] he's "putting out" [a fire] or "causing to burn"; for after all, [the Gemara (ibid.) says:] "[Regarding] a 'candle' which is on top of a 'table' - one may tilt the 'table' and [in that way] it will fall," and we are not concerned about that which he's leaning the oil forward or backward; for in such a fashion "putting out" or "causing to burn" is not relevant, and even if it is relevant - "something which one does not intend" is *muttar*, and it is not a [case of] "cutting off the head" [i.e. a "*p'sik reisha*"]. And according to how "the *Ri*" [i.e. Tosafos] explained, [ibid.] that's *assur*; [ibid.] And [as for] that [case] of "a 'candle' which is on top of a 'table'," [the Tosafos] interprets it [to be referring only to a case] where there's no oil in it, for he considers it a [case of] "cutting off the head" [i.e. a "*p'sik reisha*"] if there's oil in it.

O.C. *SIMAN* 681 : USING CHANUKAH CANDLES FOR HAVDALAH (AND THE ORDER)

*Se'if 1*

*Using a Chanukah candle for havdalah*

The *Ohr Zarua*<sup>o</sup> in the name of the *Yerushalmi*: **R' Abuha** in the name of **R' Yochanan**, [and] **R' Yose bar R' Chanina**, [said:] One may not say the *bracha* [by *havdalah*] over a "candle" - or over [fragrant] spices - of a **Mitzvah**. What is [he referring to as] "of a Mitzvah"? **R' Y.** [i.e. "Yosa"] said in the name of **Shmuel**: [By] "a candle" [he means] such as the Chanukah "candle" - on the departure of the Shabbos one does not say [the *bracha* by] *havdalah* over it; [by] "[fragrant] spices" [he means] such as the willow of the "*hosha'na*" [i.e. the four species] on **Sukkos** - on the departure of the Shabbos one does not say [the *bracha* by] *havdalah* over it; for **Rava** [or "**Rabbah**" (as in *Bavli Sukkah* 37b)] said: A willow of [the] **Mitzvah** - it's *assur* to smell it [since it was set aside for the Mitzvah (Rashi ibid.)].

*Se'if 2*

*Is it more important to put the "tadir" first, or to delay "escorting the day out"?*

*Brachos* 51b<sup>5</sup>: **The Rabbis taught in a Baraisa**: [There are the following] matters [of disagreement] between **Beis Shammai** and **Beis Hillel** concerning a meal: **Beis Shammai** say: One [who is saying *kiddush* on Shabbos or *Yom Tov*\* (Rashi)] says the *bracha* over the day [first] - and [then] afterwards says the *bracha* over the wine, for [it is] the day [that] causes [this instance of using (Rashi)] the wine to arrive; and [at a point when] "the day became holy" already [i.e. when he accepted the day upon himself or "when the stars come out" (Rashi)] - the wine had not yet arrived [i.e. and just as the day *arrives* first - so too its *bracha* should come first (Rashi)]; and **Beis Hillel** say: He says the *bracha* over the wine [first] - and [then] afterwards says the *bracha* over the day, for the wine [or bread *in place* of that (Rashi)] causes [i.e. enables (Rashi)] the *kiddush* to be said; [and] another point - the *bracha* of wine is frequent - and the *bracha* of the day is not [as] frequent, [and when choosing between something which is] frequent and [something which is] not [as] frequent - [the one which is] frequent comes first [as we derive (*Zevachim* 89a) from what the Torah says about the "*Tamid*" offering (Rashi)]; and the Halacha is like the words [i.e. position] of **Beis Hillel**. What is [the need for] "another point"? [It means to continue by saying:] And if you [will] say: "There [i.e. when *Beis Shammai* argued in favor of the *bracha* over the day coming first], two [proofs were found], and here [i.e.

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when arguing the reverse], one [alone has been given]!", [then we will respond:] Here, too, there are two [proofs], [and the second is:] the *bracha* of wine is frequent - and the *bracha* of the day is not [as] frequent, [and when choosing between something which is] frequent and [something which is] not [as] frequent - [the one which is] frequent comes first. [ibid. 52a] And [is it really true that] *Beis Shammai* hold that the *bracha* over the day is greater [in importance]? But wasn't it taught in a Baraisa: Someone who comes into his house on the departure of Shabbos - he says the *bracha* over the wine and [then] over the light and [then] over the [fragrant] spices - and [then] afterwards he says [the *bracha* of] *havdalah* [itself]! [ibid.] But after all, from what [basis do you conclude] that [this last Baraisa] is [from the teachings] of *Beis Shammai*? [ibid.] [Let's] derive from this [which we omitted] that it is [indeed from the teachings] of *Beis Shammai* - and according to [the particular version of] R' Yehudah - and [so] disregarding [this last counter-argument] it is [in fact] a difficulty! *Beis Shammai* hold [that] "bringing the day in" [i.e. *kiddush* (Rashi)] is different from "taking [i.e. escorting] the day out" [i.e. *havdalah* (Rashi)]; [by] "bringing the day in" - the more we advance that - the better; [but by] "taking [i.e. escorting] the day out" - the more we delay it - the better, so that it shouldn't be like a burden upon us.

O.C. SIMAN 682 : THE HALACHOS OF "AL HANISSIM" ON CHANUKAH

*Se'if 1*

*"Al HaNissim" in the regular Shemoneh Esray*

*Shabbos* 24a<sup>2</sup>: It was asked by "them" [i.e. the Sages]: What is [the Halacha about whether one ought] to mention [the subject] of Chanukah in the *Mussaf* [*Shemoneh Esray*]'s?

Tosafos (ibid.): In the [regular] prayer [of *Shemoneh Esray*], it's *obvious* to [them] that one has to mention [it], because [that] prayer is [said] in congregation, and [thus] there is a publicizing of the miracle.

Rashi (ibid.): After all, they [i.e. the days of Chanukah] were "established" for "thanksgiving and [saying] Hallel".

An earlier Gemara adds: Rav Sheishes said to them: [It's] like [by the] prayer [of *Shemoneh Esray* (in the following way)]: Just as [regarding the] prayer [of *Shemoneh Esray*, the appropriate place for "Al HaNissim" is] in [the *bracha* of] "thanksgiving" [i.e. "*Modim*"] (for after all, the whole matter of Chanukah was instituted mainly for thanksgiving (Rashi) , likewise [regarding] *Birkas HaMazon* - [the appropriate place is also] in [the *bracha* of] "thanksgiving" [i.e. "*Nodeh*"].

*If one did not say it (in the regular Shemoneh Esray)*

The Tosefta\* in *Brachos* (3:14): [On] any [day] which does not have a *Mussaf* [service], such as Chanukah and Purim, [in] *Ma'ariv*, *Shacharis*, and *Mincha*, one prays "*Shemoneh Esray*" [i.e. the daily "eighteen" *brachos*] -

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and says [a supplement which is] "based on the event" in the [*bracha* of] thanksgiving [i.e. "*Modim*"], and if he did not say it - we (do not) have him "go back" [i.e. so he can say it].

*"Al HaNissim" in Birkas HaMazon*

*Shabbos* 24a<sup>1</sup>: It was asked by "them" [i.e. the Sages]: What is [the Halacha about whether one ought] to mention [the subject] of Chanukah in *Birkas HaMazon*; [should we say that] since it is [merely a] Rabbinical [holiday] - we do not mention [it] [since it is (said) at home, and (therefore) there is not very *much* publicizing of the miracle (Tosafos)], or perhaps [we should rather say that] for the sake of publicizing the miracle [i.e. at least somewhat] we [*do*] mention it? Rava said in the name of Rav Sechorah [who said] in the name of Rav Huna: One does not mention [it] [i.e. he does not *have* to (Rashi)], and if he's going to mention it - he mentions it in [the *bracha* of] thanksgiving [i.e. "*Nodeh*"].

*The wording of "Al HaNissim"*

*"Tractate Sofrim"* [see note to 676:4] (20:8): And one says in [the *bracha* of] "thanksgiving" ["*Modim*"]: "And the appreciation of [Your] wonders, and the *kohanim's* deliverance which You performed in the days of Matisyahu the son of Yochanan the *Kohen Gadol* and the Hasmonean and his sons; and so too, Hashem our G-d and the G-d of our forefathers, [please] perform with us miracles and wonders - and we shall give thanks unto Your Name forever; Blessed are You Hashem - the Good" [etc.]; and the miracles [of] Mordechai and Esther - one mentions them in [the *bracha* of] "thanksgiving" ["*Modim*"] [as well]; and both of them are mentioned in *Birkas HaMazon*.

And in the "*Seder Rav Amram Gaon*" we find: Over the miracles ["*Al HaNissim*"], and over the [deeds of] might(s), and over the victories ["*teshu'os*"], and over the battles, and over the redemption ["*pedus*"], and over the salvation ["*purkan*"], which You performed for our forefathers, in those days, at this time; In the days of Matisyah the son of Yochanan the *Kohen Gadol*, [the] Hasmonean, and his sons, when the wicked "Greek" kingdom rose up against them - against Your people Israel, to make them forget ["*leshak'cham*"] Your Torah ["*miTorasecha*"], and to separate them from the rules that You want; And You, with Your great mercies, stood up for them in the time of their trouble: You fought their fight, judged their judgment, avenged their vengeance - You delivered the strong (ones) into the hand[s] of the weak (ones), and the many into the hand[s] of the few, and the wicked (ones) into the hand[s] of the righteous (ones), and the impure (ones) ["*temayim*"] into the hand[s] of the pure (ones), and the [wanton] sinners into the hand[s] of those involved in Your Torah; And for Yourself, You made a great and holy Name in Your world, and for Your people Israel, You worked a great victory ["*teshu'ah*"] - and a salvation ["*purkan*"] - as [clear as] this very day. And afterwards, Your sons came to the focal point ["*devir*"] of Your House, and they cleared Your *heichal*<sup>\*</sup>, and they purified ["*tiharu*"] Your [*Beis HaMikdash*], and they lit "candles" in Your holy courtyards, and they established eight days with [the saying of] Hallel and with thanksgiving unto Your Name; And just as You performed a miracle with them,

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so too, Hashem our G-d, [please] perform with us miracles and wonders in this time, and we shall give thanks unto Your great Name uninterruptedly ["selah"].

### Se'if 2

#### "Al HaNissim" in the Shemoneh Esray of Mussaf

Shabbos 24a<sup>2</sup>: It was asked by "them" [i.e. the Sages]: What is [the Halacha about whether one ought] to mention [the subject] of Chanukah in *Mussaf*(s) [i.e. the *Mussaf* prayer (of *Shemoneh Esray*) of the Shabbos and *Rosh Chodesh* (that fall out) during the days of Chanukah (Rashi)]; [should we say that] since it [i.e. Chanukah] does not have a *Mussaf* [service] in its own [right] - we do not mention [it], or perhaps [we should rather say that] it's the day [itself] which has the obligation of four prayer [service]s [and therefore this *Shemoneh Esray* is no less (deserving) than the others which are obligations on that day (Rashi)]? Rav Huna and Rav Yehudah both said: One does not mention [it]; Rav Nachman and R' Yochanan both said: One does mention it. [ibid. 24b] And the Halacha is not like "all these" teachings, but rather like that which R' Yehoshua ben Levi said: [On] *Yom Kippur* which falls out to be on Shabbos - one who says the prayer of *Ne'ilah*\* has to mention [the subject] of Shabbos - [for] it's the day [itself] which has the obligation of four [daytime (Rashi)] prayer [service]s.

### Se'if 3

#### To request "Just as You performed" (etc.) in "Al HaNissim"

Tosafos (*Megillah* 4a): There are those that do not say "Just as", because the Sages said (*Brachos* 34a): "A person must never request his needs - neither in the first three [*brachos* of the *Shemoneh Esray*] nor in the last three *brachos*"; and that's senseless: for after all, that principle is only [applicable] by one who prays in singular (language) [i.e. for the individual], but [if it's] for the [general] public - [then] it's *muttar*; but [I] hold that one should not say it - for a different reason: because the Sages said (*Pesachim* 117b) that any [text for a] matter which is "pertaining to the future" was instituted [with its wording formulated] "pertaining to the future"; and a matter of thanksgiving is "pertaining to the past", and therefore they instituted [the form] "*Al HaNissim*" with respect to that [i.e. without "requests"], since it's "pertaining to the past".

O.C. *SIMAN* 683 : HALLEL IS COMPLETED ON ALL EIGHT DAYS OF CHANUKAH

### Se'if 1

#### Hallel on the eight days of Chanukah

*Erchin* 10a<sup>4</sup>: R' Yochanan said in the name of R' Shimon ben Yehotzadak: [The following are the] eighteen days on which [even] an individual completes Hallel: the eight days of "the Festival" [i.e. Sukkos], (and) the eight days of Chanukah, (and) the first *Yom Tov*\* of Pesach, and the (first) *Yom Tov* of "the Celebration" [i.e. Shavuos]; and in the Diaspora [there are] twenty-one: the nine days of "the Festival" [i.e. Sukkos], (and) the eight days of Chanukah, (and) the [first] two *Yamim Tovim* of Pesach, and the two *Yamim Tovim* of "the Celebration" [i.e. Shavuos]. What is distinct about "the Festival" [i.e. Sukkos] that [explains the fact that] we say

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[Hallel then] every day, and what is distinct about Pesach [i.e. conversely] that [explains the fact that] we do *not* say [Hallel then] [10b] every day? [The days] of "the Festival" [i.e. Sukkos] are different [from one another] with respect to their offerings [since the number of bulls to be offered decreases with each passing day of Sukkos (Rashi)], [whereas the days] of Pesach are not different [from one another] with respect to their offerings. [Well, then on] Shabbos, which *is* different [from other days] with respect to its offerings, shouldn't one [also] say [Hallel]? It is not referred to [in the Torah] as an "appointed time" ["*mo'ed*"]. [But then on] *Rosh Chodesh*, which *is* called "an appointed time", shouldn't one [be obligated in accordance with this Halacha to] say [Hallel]? It is not [a day] "sanctified" with respect to doing *melacha*<sup>\*</sup>, [and that's a required factor as well,] for it is written (*Yeshu'ayah* 30:29): "The 'song' [of the future] will be for you like [the Hallel 'song' of] the night when the festival becomes sanctified", [and we derive from that as follows:] a night which is sanctified "as a festival" [i.e. with *melacha* being *assur*] requires "song" [i.e. Hallel], and one which is not sanctified "as a festival" does not require "song" [i.e. Hallel]. [ibid.] But isn't there Chanukah, which has neither this [requirement] nor that [requirement (i.e. Chanukah is not called an "appointed time" and it is not "sanctified" with respect to doing *melacha*)], and [yet] one says [Hallel then]? [That's] because of the miracle. [But then on] Purim, [where likewise] there is a miracle, shouldn't one [also] say [Hallel]? R' Yitzchak said: [It's] because we do not say "song" [i.e. Hallel] over a miracle [that took place] outside the Land of Israel. Rav Nachman bar Yitzchak challenged that: But isn't there [the case of] the "leaving of Egypt" [i.e. the original Exodus], which is a miracle [that took place] outside the Land of Israel, and [yet] we say Hallel [over it]? [It is] as taught in a Baraisa: Until they [i.e. the Jews] entered the Land of Israel, all lands were valid [candidates to host a miracle that would be cause] for saying "song" [i.e. Hallel]; [but] once they [i.e. the Jews] entered the Land of Israel, all [other] lands were not valid [candidates to host a miracle that would be cause] for saying "song" [i.e. Hallel]. Rav Nachman said: Its [Megillah] reading is its Hallel. Rava said: It is understandable [that Hallel should be said] there [i.e. over the original Exodus, which fits the *pasuk*<sup>\*</sup> in Hallel (*Tehillim* 113:1): "Praise [Hashem] O servants of Hashem" [implying that as a result of the miracle the Jews could be servants of Hashem] and not servants of Pharaoh; [but] here [i.e. by the miracle of Purim - could one say] "Praise [Hashem] O servants of Hashem" [implying that as a result of the miracle the Jews could be servants of Hashem] and not servants of Achashverosh?! - [when the book of Esther ends,] we are *still* the servants of Achashverosh!

O.C. SIMAN 684 : THE ORDER OF THE TORAH READING ON CHANUKAH

### *Se'if 1*

#### *The Torah reading of Chanukah on weekdays (general guidelines)*

The Mishnah (*Megillah* 30b<sup>3</sup>): **On Chanukah [we read] from [the description of the offerings of] the [tribes'] princes [for that too (i.e. like there was in the time of the Chanukah miracle) was a "dedication of the altar" (Rashi)].**

#### *The basic system of the daily reading (i.e. for days two through seven, when it is a weekday)*

"*Tractate Sofrim*" [see note to 676:4] (20:11): **We (do not) "[read in] advance" on the eight days of Chanukah and say [the section that begins] "On the second day" [i.e. even at the reading of first day], "On the third day" [i.e. even**

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at the reading of the second day], [and similarly with] "On the fourth day", "On the fifth day", "On the sixth day", "On the seventh day", [and] "On the eighth day", in order to complete [the universally required amount of] *ten pesukim*\* [per Torah reading].

The Tur<sup>o</sup> here writes: On the second day, the *kohen* reads [from] "(And) On the second day" until [i.e. and not including] "One bull - a child of the cattle", and the *levi* [reads from there] until [i.e. and not including] "(And) On the third day", and the [ordinary] "*yisrael*" goes back and reads [again from] "(And) On the second day"; and so on for each day.

*The first day's reading (and its order when that's a weekday)*

The Tur<sup>o</sup>: We begin with "And it was on the day when Moshe completed"; and there are some places where they begin with the *bracha* of the *kohanim*, and that's a fine *minhag* - because the miracle was performed through *kohanim*; and such is the order: On the first day one begins [with] "on the day when Moshe completed," and this [i.e. the set of introductory *pesukim*\* from that point on] is read with the *kohen* and *levi*, and the [ordinary] "*yisrael*" reads "on the first day".

*The eighth day's reading (and its order when that's a weekday)*

The Midrash (*Tanchuma Beha'alo secha* 5): Aharon did not offer [anything together] with the princes [of the other twelve tribes]; and he proceeded to say "Woe is to me, [for] perhaps because of me [i.e. my sins] - the tribe of *Levi* is not accepted [by Hashem]"; *HaKadosh Baruch Hu*\* said to Moshe: "Go [and] say to Aharon, 'Do not be afraid - you are designated for [something] greater than this';" therefore it says: "Speak to Aharon and say to him 'When you raise up' [and light the 'candles' of the Menorah]", [meaning:] "[When it comes to] the offerings [i.e. which the other princes just initiated] - they can be practiced throughout the time when the *Beis HaMikdash* is [still] around, but [as for] 'the candles' - forever "in the direction of the 'face' of the Menorah" [they shall shine].

*Se'if 2*

*The "haftarah" of the Shabbosim of Chanukah*

*Megillah* 31a<sup>4</sup>: And we "end off with" [i.e. read as the "*haftarah*"] "the 'candles' of Zechariah" [because of (the *pasuk*\* which it contains): "I saw, and behold - an entirely golden candelabra {'menorah'}" (*Mishnah Berurah*)]. And if two *Shabbosim* fall out [on Chanukah]: [On] the first one [we "end off"] with "the 'candles' of Zechariah", [and on] the latter one [we "end off"] with "the 'candles' of Shlomo".

*The "haftarah" when there is a groom*

The *Terumas HaDeshen*<sup>o</sup> (20): Question: [Concerning] that which we say in the chapter of "One who reads the *Megillah* standing", that in the "*haftarah*" we may not "skip" from one [book of the] "*Navi*" to another [book of the] "*Navi*": If so, how was it justified to have the *minhag* in Austria - and in [other] "places that there are"

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- [that] when a wedding occurs in [the week of the Shabbos of one of] the four *parshas*, or Chanukah, [so that] they have to read as the "*haftarah*" from [the passages assigned to] the four *parshas* or from [those of] Chanukah, because those are written in the Gemara; nevertheless, they *also* read as the "*haftarah*" [i.e. as a supplement] from the "*haftarah*" of a groom - some of [the *pesukim*<sup>\*</sup>] - until "your G-d will rejoice over you", and [they do this] even though the "*haftarah*" [passages] of the *parshas* and of Chanukah are not in the [same book of the] "*Navi*" as the "*haftarah*" [passage] of a groom, and we are not particular about "skipping" from one [book of the] "*Navi*" to another [book of the] "*Navi*"! Answer: I hold that it cannot be resolved properly according to all of the [authoritative] explanations [of the Gemara]. The truth is, I heard that the early Austrians resolved the *minhag* [by saying that] since in the *Mordechai*<sup>o</sup> there (in the name of the Ra'avayah<sup>o</sup>) it explains [that] the reason not to "skip [around]" in the Torah and in [the books of] the "*Navi*" is out of respect for the congregation, [i.e.] so that they won't have to just stand there quietly while they roll from one passage to another passage; and this insistence is only relevant to those days - for all their books [i.e. even of the "*Navi*"] were written as a scroll, like our *Sefer Torah*, so they would have to take up time with their rolling; but [as] for "us", when our "*haftarah*" [books] are written in "notebooks" [i.e. bound], and one can mark [the page] so as to find quickly any "*haftarah*" one wants to, [so then] there is no [need for] concern about "skipping" from one [book of the] "*Navi*" to another [book of the] "*Navi*". [ibid.] However, Rashi explained [that] the reason not to "skip [around]" [is] because of confusion (and therefore, within one [book of the] "*Navi*" one may "skip [around]" - because [since practical] rulings do not generally come from the words of the Prophets - [so] we are not particular about a minimal [level of] confusion; but [as for "skipping around"] from one [book of the] "*Navi*" to another [book of the] "*Navi*" - where there's *too much* confusion - we *are* particular); and according to this reason, we cannot make the above distinction. But nevertheless, if it would be within one [book of the] "*Navi*" - [just] that it's more [of a distance] "such that the interpreter would stop" - [then] the above reasoning is enough, because [about] this insistence itself, Rashi explained that it's only due to respect for the congregation. And one can also answer that for us, since we do not have the practice of public interpreting, we are not concerned about confusion (and that which the Gemara says "one may not 'skip'," that's only in the places where they had the practice of interpreting - for in those days as well there were places where they did not interpret; and it is not [too] "forced" to limit [the Gemara] this way, because after all, the Gemara gave the specification by reference to interpreters - for it says "one may only 'skip' to the point when the interpreter will stop" - [so] that proves [that] it's referring to places where one interprets). [ibid.] Still, I rule that [when it comes to] the above *minhag* about "*haftarahs*": Where it's the *minhag* - it is the *minhag* [and that may continue], and where it is not the *minhag* [i.e. yet] - it should not be adopted to start with.

### Se'if 3

#### *The Torah reading when Rosh Chodesh Teiveis is on Shabbos*

Megillah 29b<sup>4</sup>: And R' Yitzchak Nafcha said: [On] *Rosh Chodesh Teiveis* which falls out to be on Shabbos - we bring three Torahs [i.e. *Sifrei Torah*] and read from them: [in] one [we read] from the material of the day, and [in] one [we read] from [that] of *Rosh Chodesh*, and [in] one [we read] from [that of] Chanukah.

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*The "haftarah" when Rosh Chodesh Teiveis is on Shabbos*

Tosafos (*Shabbos* 23b): And "the *Rashba*" [*Rabbeinu* Shimshon ben Avraham of Shantz] holds that when *Rosh Chodesh Teiveis* falls out to be on Shabbos - then the "*haftarah*" reading should be from "the 'candles' of Zechariah" - in order to publicize the miracle, and not from "The heavens are my throne" which is the "*haftarah*" [passage] of [an ordinary *Shabbos*] *Rosh Chodesh*; and furthermore, since the "*maftir*" reads from [the material] of Chanukah - his "*haftarah*" reading should be "from" [i.e. related to] the subject [about] which he read; And [as for] the fact that we read from [the material] of *Rosh Chodesh* first, [that's] because by the Torah reading - since it's possible to accomplish *both* ([i.e. the "more] frequent" [reading of *Rosh Chodesh*] and the "publicizing of the miracle" of Chanukah) - [so] we accomplish both - and [the "more] frequent one" comes first; but where it is not possible to accomplish both [i.e. by the "*haftarah*"] - publicizing the miracle is greater [in importance]; and furthermore, by the Torah reading [of Chanukah] there isn't such a [significant] publicizing of the miracle - for "candles" are not mentioned in it (as [they are] in the "*haftarah*" [passage]); and in addition, "the *Rashba*" holds [that it makes sense to say] that for this reason [itself] the [Torah reading] of *Rosh Chodesh* was put first - so that the "*maftir*" will read from [the passage] of Chanukah, and will [consequently] read from "the 'candles' of Zechariah" as the "*haftarah*".

*The Torah reading when Rosh Chodesh Teiveis is on a weekday*

*Megillah* 29b<sup>4</sup>: It was said: [On] *Rosh Chodesh Teiveis* which falls out to be on a weekday - R' Yitzchak said [that] three [*aliyah* honorees] read from [the material of] *Rosh Chodesh* and one [reads] from [that] of Chanukah, and Rav Dimi of Chaifa said [that] three [*aliyah* honorees] read from [that] of Chanukah and one [reads] from [that] of *Rosh Chodesh*. R' Mani said: It makes sense [to say] like R' Yitzchak (Nafcha), because [when choosing between something which is] frequent and [something which is] not [as] frequent - [the one which is] frequent comes first. R' Avin said: It makes sense [to say] like Rav Dimi, [for after all,] who caused the fourth [*aliyah*] to materialize? - *Rosh Chodesh!* - therefore, the fourth [*aliyah* honoree] needs to read from [the material of] *Rosh Chodesh*. What was there about this [i.e. what was concluded]? Rav Yosef said: We pay no [special (Rashi)] attention to *Rosh Chodesh*; and Rabbah said: We pay no [special] attention to Chanukah. And the Halacha is: We pay no attention to Chanukah ("i.e. *Rosh Chodesh* is primary") [alternate text: "whatsoever"].

*If four aliyahs were read from the Rosh Chodesh material (i.e. by mistake)*

Tosafos (*Megillah* 23a): If it's *Yom Tov*<sup>\*</sup>, and the full number of required [*aliyahs*] were read, and [however] reading from "the day's obligation" was forgotten, [then] the *Sefer Torah* should be brought back - and another [*aliyah* honoree] should read from "the day's obligation", and [as for the fact that it's *assur* to read extra *aliyahs* on *Yom Tov*] - the last one to read is "as if it never was"; But [if the same occurred] on the Shabbos of Chanukah or on the *Rosh Chodesh* of Chanukah - [then] it is not necessary [to "add an *aliyah*" in order to read the Chanukah material], as it is [to be found] in [the Midrash (*Tanchuma*) which is called] "*Yelamdeinu*" - that the Halacha is [that] we pay no attention to Chanukah whatsoever.

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The *Beis Yosef* quotes the *Shibolei HaLekket*<sup>o</sup>: **But now that [in our own case] two Torahs [i.e. *Sifrei Torah*] have [already] been taken out, [so] out of [concern for] the "tainting" of [the reputation of] the second *Sefer Torah* - it is necessary for a fifth [*aliyah* honoree] to read from [the material] of Chanukah; And one cannot say [i.e. suggest] that the fourth [*aliyah* honoree] *himself* should read from [the material] of Chanukah - from the *first Sefer Torah* ([i.e. if he still has the opportunity to do so] before he says the "closing [*bracha*]" over [reading] the *parsha* of *Rosh Chodesh*), because that would be "skipping [around]" - and one may not "skip around" (between two areas) in the Torah [reading]; Rather, now that the fourth [*aliyah* honoree] has begun to read from [the material] of *Rosh Chodesh* - he should finish [that] and say the "[closing] *bracha*", and a fifth [*aliyah* honoree] should "come [up]" after him - and he should read from [the material] of Chanukah in the second *Sefer Torah*; and [the logic is:] Better that our statement "On *Rosh Chodesh* [there are] four [*aliyahs*] - one may not [have] less than that and one may not [have] more than that" should be abandoned, and [just] let [the reputation of] a *Sefer Torah* not be "tainted".**



## Glossary

*Note: Forms in brackets are plurals.*

- Aliyah** - the "going up" of one man to lead (some of) a Torah reading [at least by saying its *brachos*\*]
- amah** - a "cubit"; a fixed linear measurement based on the "average" arm (from the elbow to the tip of the middle finger) [19 in. (48 cm.) according to R. Chaim Na'eh, 21¼ in. (54 cm.) according to R. Moshe Feinstein<sup>o</sup> (and 23 or 24 inches for the more stringent matters), 22¾ in. (58 cm.) according to the *Chazon Ish*<sup>o</sup>]
- Amora** [*Amora'im*] - one [or more] of the Sages of the Talmudic era
- Aron HaKodesh** - the "Holy Ark" of a synagogue (where the Torah scrolls are kept)
- Ashkenazi** - lit. "of Germany", but actually generally refers to the non-*Sefardi*\* Jewish world
- Aveirah** - sin
- Assur** - forbidden by Halacha\*
- Baraisa** - material from the Oral Torah less authoritative than the Mishnah\* [lit. "outside"]
- Bavli** - Babylonian (Talmud)
- Beis HaMikdash** - the Temple
- Bimah** - platform upon which the *Sefer Torah*\* is placed when it is read
- Birkas HaMazon** - "Grace" [*bracha*\*] after meals
- Bracha** [*brachos*] - blessing[s]
- Chassan** [*chassanim*] - groom[s] [lit. "the one[s] being wed"]
- Chatas** - a type of "sin" offering
- Chazzan** - a leader in the synagogue (usually of the prayers) [lit. "one who sees to" something]
- Chol HaMoed** - the intermediate non-*Yom-Tov*\* days between the beginning and end of Pesach/Sukkos
- Chumash** - the Pentateuch
- Daf** - lit. "page", but with respect to Gemara\* it refers to a two-sided folio.
- Dreidel** - four-sided top, spun on Chanukah
- Esrog** - citrus fruit which one "takes in hand" on the first of Sukkos\*, along with three other "species"
- Gemara** - the Talmud (usually the Babylonian - called *Talmud Bavli*)
- Haftarah** - [lit. "ending off"]; a reading from the Prophets, which on some occasions follows the Torah reading
- HaKadosh Baruch Hu** - lit. the Holy One blessed be He; i.e. G-d.
- Halacha** [Halachos] - law[s] (of Orthodox Jewish practice of the Torah)
- Hallel** - A special set of chapters of *Tehillim*, about which it was instituted that they be recited on certain days [lit. "enthusiastic praise"]
- Hashem** - G-d
- Havdalah** - the Mitzvah\* to declare the "difference [in sanctity] in the day" (of Shabbos\* or *Yom Tov*\*) as it departs (said over "a cup" of wine or the like) [lit. "differentiation"]
- Heichal** - the "main Sanctuary building" of the *Beis HaMikdash*\*

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**Kaddish** - the public call (often led by a mourner) to glorify and sanctify Hashem's Name (and also addressing other similar all-encompassing causes) [at some points in the service only "half" is said]

**Kiddush** - the Mitzvah\* to "sanctify the day" (of Shabbos\* or *Yom Tov*\*) with "words" (said over "a cup" of wine or the like) [lit. "sanctification"]

**Kislev** - the ninth Jewish month (counting from Nissan\* as the first)

**Kohen** [*kohanim*] - priest[s]

**Kohen Gadol** [*kohanim gedolim*] - High Priest[s]

**Levi** [*levi'im*] - male member[s] of the Levite tribe

**Ma'ariv** - the evening prayer service

**Maftir** - lit. "ends off"; the last *aliyah*\* of a Torah reading to be followed by reading from the Prophets (also used to refer to the man who is honored with that *aliyah* - who will also be honored with the reading from the Prophets)

**Melacha** - lit. "work"; the special "creative labors" that are *assur*\* on Shabbos\* (and *Yom Tov*\*)

**Mehadrin** - Mitzvah "enhancers" or "pursuers" (see *Shulchan Aruch* O.C. 671:2)

**Menorah** - the candelabra of the *Beis HaMikdash*\* (and sometimes refers to a Chanukah candelabra)

**Megillah** - lit. "scroll", but commonly refers to the Book of Esther

**Mezuzah** - holy scroll put on the doorpost of dwelling structures

**Mikvah** - lit. "gathering" [of water], for immersing [usually to remove non-physical contamination]

**Mincha** - the afternoon prayer service

**Minhag** [*minhagim*] - Torah-oriented practice[s] not necessarily mandated by Halacha (or at least not for all Jews)

**Mizbayach** - altar

**Mishkan** - the "temporary" Sanctuary which was built in the desert (and was finally replaced by the Temple)

**Mishnah** - the repository of the basic authoritative Oral Torah, as transmitted by the *Tanna'im*\*

**Muttar** - permitted by Halacha\*

**Mussaf** - the "additional" service on Shabbos and other holidays [those that are Torah-mandated (as the *Beis Yosef* in O.C. 682:1 points out)] (we say a special *Shemoneh Esray*\* for it, and when there was a *Beis HaMikdash*\* there were special offerings)

**Navi** - lit. "prophet"; often refers to the works of the Prophets

**Neder** [*nedarim*] - a kind of declaration that something that's otherwise *muttar*\* should become *assur*\*

**Ne'ilah** - the prayer service added at the end of *Yom Kippur*\* (specifically, its *Shemoneh Esray*\*) [lit. "closing" (the gates)]

**Nissan** - the first Jewish month [as per *Sh'mos* (12:2), though the Jewish "new year" is 6 months away in Tishrei\*]

**Parsha** - Torah portion [usually: one of the divisions read annually, one per week]

**Pasuk** [*pesukim*] - Biblical verse[s]

**Pesach** - the holiday of Passover

**Rosh HaShanah** - the holiday of the Jewish new year

**Sefer Torah** [*Sifrei Torah*] - Torah scroll[s] (of the five "books of Moshe")

**Se'if** [*se'ifim*] - section[s], usually in *Shulchan Aruch*\*, and usually used to give a reference number

**Sefardi** - lit. "of Spain", but actually generally refers to the Jewish world with the traditions of the early authorities in Moslem-occupied lands

**Sh'ma** - the sections of the Torah (starting with "Hear O Israel") recited each morning and night

**Siman** [*simanim*] - lit. "sign" ["signs"]; often used similarly to the word "chapter[s]"

**Shabbos** [*Shabbosim*] - the Sabbath [or many]

**Shacharis** - the morning prayer service

**Shavuos** - the holiday of "weeks" (fifty days after the first day of Pesach\*)

**Shemoneh Esray** - the main part of each prayer service, said standing (and therefore also called "*amidah*") [lit. "eighteen" (the number of *brachos*\* it was originally composed of)]

**Shofar** - horn [of a ram] blown on *Rosh HaShanah*\*

**Siddur** [*siddurim*] - prayer book[s]

**Sugya** - complete segment of Gemara\* [lit. "flow"]

**Sukkah** - temporary "hut" or booth which one dwells in on Sukkos\*

**Sukkos** - the holiday of "booths" (at the end of the autumn)

**Tanna** [*Tanna'im*] - one [or more] of the Sages of the pre-Talmudic era

**Tefach** - a "handbreadth"; a fixed linear measurement based on the width of an "average" fist [generally calculated as one sixth of an *amah*\*]

**Tefillin** - phylacteries (holy scrolls put into special leather boxes, to be fastened onto the arm and head)

**Teiveis** - the tenth Jewish month (counting from Nissan\* as the first)

**Terumah** - the "donation" one must set aside for the *kohanim* (from most Israeli produce)

**Tosefta** - the most authoritative Baraisa\* material - a parallel to the Mishnah [lit. "supplementary"]

**Tzedakah** - charity

**Tzitzis** - special knotted strings attached to four-cornered garments

**Yahrtzeit** - anniversary of the death of someone's parent [lit. "year day"]

**Yerushalayim** - Jerusalem

**Yerushalmi** - Jerusalemite (Talmud)

**Yom Kippur** - the Day of Atonement

**Yom Tov** [*Yamim Tovim*] - holiday[s] (or festival[s]), also called "*chag[im]*"

**Yotzei** - fulfill (one's obligation) [lit. "go out"]

**Zav** - person who acquires a strong level of non-physical contamination due to certain discharges

## Halacha "Principles" Glossary

**Bein haShmashos** - the Halachic twilight period (lit. "between the sun[down]s"). The Mishnah (*Shabbos* 34a) says there is a period which is "possibly [considered] day and possibly night." Some authorities hold it is defined as *beginning* when the sun disappears; others hold it is defined as *ending* "when the stars come out" [see below] (which they hold is over an hour later than when the sun disappears). In *Shulchan Aruch*, this is dealt with mainly in the Halachos of Shabbos (O.C. 261).

**Brachos on Mitzvahs are said before the Mitzvah act** (Hebrew: "*oveir la'asiyasan*") - This is an explicit Gemara (*Pesachim* 7b), which in *Shulchan Aruch*<sup>o</sup> is dealt with mainly in O.C. 25:8, 158:11, and 651:5 [i.e. by some of the unusual cases]. (The Gemara mentions one exception, immersing in a *mikvah*, explaining that beforehand "the person is not fitting [for saying the *bracha*] yet.") Many authorities (including the *Mishnah Berurah*) say this also means that one must say the *bracha* *immediately* before the Mitzvah act (not "*oveir d'oveir*").

**Bypassing a Mitzvah** [i.e. where it's most immediately available] - Reish Lakish states that this is *assur* (as brought in a number of Gemaras [such as *Megillah* 6b]). A typical example of dealing with this is the arrangement of *tefillin* within their "case" (O.C. 25:1).

**Counting the omer** - Starting from the second day of Pesach (when the "*omer*" offering would be brought in the time of the *Beis HaMikdash*), the days - and weeks - are counted until Shavuot. The idea that the Mitzvah is to count the days "*temimos*" ["complete"] - so that if someone missed one day then he simply stops - is discussed in detail in *Shulchan Aruch*, O.C. 489:8.

**Days when Tachanun is not said** - This special "falling on one's face" prayer (said after the *Shemoneh Esray* of *Shacharis*) is considered inappropriate for "times of joy"; a number of such times are listed in *Shulchan Aruch*, O.C. *siman* 131, *se'ifim* 4-7.

**Doubts about brachos call for being lenient** - i.e. when someone is in doubt whether he is obligated to say a certain *bracha*, he can assume he is *not* obligated [and therefore *must not* say it (*Mishnah Berurah* 167 n49)]. The language is a paraphrase of "Doubts about Rabbinical [obligations] call for being lenient" (*Shabbos* 34a, *Eiruvin* 45b, *Beitzah* 3b), and it results from the fact that almost all *brachos* are Rabbinical. In *Shulchan Aruch*, this is dealt with mainly in O.C. 209:3.

**Great Loss** - In a number of places, the Gemara says that the Sages were more lenient when necessary to prevent a "great loss". (Hebrew: "*hefsed merubah*") The *Shulchan Aruch* and commentaries (in volume *Yoreh Dei'ah* [especially in *siman* 126 and after *siman* 242]) detail what's called "great loss".

**Ish to k'gufo** - lit. "One's wife is like his own body," the general concept that husband and wife are treated as actually being one person. This can apply in varying ways (see *Brachos* 24a and *Bechoros* 35b).

**Lo plug** - generally "no distinction is made" by the Sages (within Rabbinical Halachos) [even if certain cases logically ought to have been "exceptions"] (*Yevamos* 107a, *Kesubos* 52b, *Bava Metzi'ah* 53b).

**Mitzvahs are best done by oneself and not a representative** [i.e. a "*shaliach*"] - This is an explicit Gemara (*Kiddushin* 41a), which in *Shulchan Aruch* is dealt with mainly in O.C. 250:1, with respect to preparations for the honor of Shabbos.

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**Mitzvahs were not given to benefit from** - The practical meaning is that when it's *assur* to derive benefit from some source, it's nevertheless *muttar* to fulfill a Mitzvah by means of that same source (*Eiruvim* 31a, *Nedarim* 16b, *Chulin* 89a). [Two examples are in *Shulchan Aruch* O.C. *siman* 586.]

**Muktzeh** - when something is "set aside" not for uses that fit with Shabbos or *Yom Tov*, it may not be moved at all then. The extensive details of this are mainly dealt with in *Shulchan Aruch* O.C. 308 - 312. [Examples in this volume: lit candles ("muktzeh due to something [i.e. affecting the flame] being *assur*" - see O.C. 279:1), and previously-lit earthenware candles ("muktzeh due to repulsiveness" - see O.C. 279:6 and *Mishnah Berurah* 308 n136 for how we rule about this category.)]

**Oil that is to be burned** - *Terumah* has two qualities - its sanctity and the *kohanim's* claim to it. If it becomes impure, the *kohanim* keep their rights to it, but because of its sanctity - it now must be burned. The standard example of this is *Terumah oil*, which is called by the above name (*Shabbos* 23b).

**Onen** - someone with duties towards a relative's burial, which have not yet been completed. He is considered "exempt from Mitzvahs" in general (see *Brachos* 17b and *Mo'ed Kattan* 23b; in *Shulchan Aruch* this is dealt with mainly in volume *Yoreh Dei'ah*, *siman* 341).

**Ruling like the later authority** - "Whenever two *Tanna'im* or two *Amora'im* disagree with each other, and it's not stated [i.e. in the Gemara] that the Halacha is like this one or like that one: If it's 'the teacher against the student' [i.e. a Sage from an earlier generation against one from a later one], [then] the Halacha does not follow the 'student' in the 'place' of the 'teacher' - until Rava; and from Rava and onward - the Halacha is like the later [authority]." (*Seder Tanna'im V'Amora'im* [of the *Gaonim*] #25, as quoted by the Chida<sup>o</sup>). This universally accepted principle is discussed in the *Rema* (volume *Choshen Mishpat* 25:2).

**Tadir** - lit. "The more 'frequent' Mitzvah", which generally is done first (*Brachos* 51b and elsewhere; see O.C. 681:2).

**"Tainting"** - If someone was just honored with an *aliyah* to the Torah reading, he may not read again, in a second *Sefer Torah*<sup>\*</sup>, because this seems to indicate that there was something wrong with the first *Sefer Torah*. (Hebrew: "*pegam*") This is explicit in the Gemara (*Yoma* 70a, *Sotah* 41a), and in the *Shulchan Aruch* it's mainly discussed in O.C. 144:4.

**Tamay meis** - a kind of impurity caused by certain kinds of contact with a dead body. A person (or some kinds of containers) that becomes *tamay meis* can only be purified by a seven day process which includes being sprinkled with the special waters prepared by use of the "red cow" (see *Bamidbar* 19).

**Tziduk HaDin** - A prayer recited as a formal "acceptance of the judgment". It is not said on certain "*Yamim Tovim*". [The *Sefardi minhag* is that it is said even on *Chol HaMoed* or the second day of *Yom Tov*, and the *Ashkenazi minhag* is not to say it on *any* "days when *Tachanun* is not said" (*Shulchan Aruch* volume *Yoreh Dei'ah* 401:6).]

**We "raise things up" in holiness and we do not "lower" them** - this means that as time progresses, involvement with any aspect of holiness may be increased (or intensified or enhanced), and conversely should *not* be lessened. (Hebrew: "*ma'alin bakodesh ve'ain moridin*") [The source is the Mishnah, in *Menachos* 99b (explained by the Gemara *ibid.* 99a) and in *Shekalim* 6:4. A standard place in *Shulchan Aruch* where this is applied is in the Halachos of *tefillin* (O.C. 25:1).]

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**When the stars come out** - The Gemara (*Megillah* 20b) says that's when the day ends and the night begins. In *Shabbos* (35b), it says this is when three medium-size stars are visible. In addition, the nearby Gemaras bring other ways to establish whether this point has come. Furthermore, there are sources which say this should be determined only by small stars, and only if they are near each other. In *Shulchan Aruch*, this is dealt with mainly in O.C. 235:1, 263:2, and 562:1.

**When there's someone to fall back on** - Halachic authorities often use such a phrase to describe a situation when there is a position that really should *not* be followed, but if someone follows that position - they need not be opposed. The Maharik<sup>o</sup> ("new" responsa, 49) points out that this can be seen in the Gemara (*Shabbos* 130a, *Yevamos* 14a) about R' Eliezer's position concerning circumcision on Shabbos.

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*Note: all these are merely to illustrate; please do not cite them as a definitive source.*

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- Rabbeinu Yoel HaLevi** (father of the Ra'avyah<sup>o</sup>): Germany (& France?), ~1140 - 1225.
- Rabbeinu Yonah:** "of Gerona" (Spain) [France in his youth], 1200 - 1263.

<sup>o</sup> see Glossary    <sup>o</sup> see Bibliography    O.C. = volume *Orach Chayim* (of *Shulchan Aruch*, etc.)  
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- Radvaz:** R. Dovid (ben Shlomo) ibn Avi Zimrah, Spain, Egypt, & Israel, ~1473 - 1573.
- Rambam:** *Rabbeinu* Moshe ben Maimon (also called "Maimonides"), Spain and Egypt, ~1135 - 1204. [His composition on Halacha, called *Yad HaChazakah* or *Mishneh Torah*, is often referred to simply as "the Rambam".]
- Ramban:** *Rabbeinu* Moshe ben Nachman (also called "Nachmanides"), Spain (and later Israel), 1194 - ~1270.
- Ran:** *Rabbeinu* Nissim ben Reuven, Spain, ~1320 - ~1380.
- Rashba:** *Rabbeinu* Shlomo ben Avraham ibn Aderes, Spain, ~1235 - 1310.
- Rashbam:** *Rabbeinu* Shmuel ben Meir, France, 1085 - 1176.
- Rashi:** *Rabbeinu* Shlomo "Yitzchaki" (ben Yitzchak), France, 1040 - 1105.
- Rif:** *Rabbeinu* Yitzchak "Alfasi" ("of Fez" - and later Spain), 1013 - 1103. [His ruling-oriented Gemara collection, called *Sefer HaHalachos*, is often referred to simply as "the Rif".]
- Ritva:** *Rabbeinu* Yom Tov Ashbili, Spain, ~1250 - ~1330.
- Rivash:** *Rabbeinu* Yitzchak ben Sheishes, Spain and (Northern) Africa, 1326 - 1408.
- Rokeiach:** *Rabbeinu* Elazar ben Yehudah, Germany, ~1160 - 1230.
- Rosh:** *Rabbeinu* Asher ben Yechiel, Germany and Spain, ~1250 - 1327.
- Sefer Ha'Aruch:** *Rabbeinu* Nassan, student of *Rabbeinu Chananel*<sup>o</sup>, ~1030 - 1106. [*Sefer Ha'Aruch* is his Talmudical "dictionary".]
- Sefer HaMinhagim:** *Rabbeinu* Yitzchak of Tirna (Austria), ~1400. [Other books of *minhagim* are also called by this name, but this seems to be the one most commonly quoted.]
- Sefer HaTerumah:** *Rabbeinu* Baruch (ben Yitzchak), Germany, 1140 - 1202. [*Sefer HaTerumah* is his composition on Halacha.]
- Sha'ar HaTziyun:** Part of the *Mishnah Berurah*<sup>o</sup>; dedicated to citing sources, and to brief explanations.
- Sha'arei Teshuvah:** R. Chaim Mordechai Margalios, Poland, ~1770 - 1820. [*Sha'arei Teshuvah* is his commentary to the *Shulchan Aruch*<sup>o</sup> - volume *Orach Chayim*.]
- Shevus Yaakov:** R. Yaakov Reischer, Prague (Bohemia) and Germany, ~1670 - 1733.
- Shibolei HaLekket:** *Rabbeinu* Tzidkiyah ben Avraham (the doctor), Italy, early/mid 1200's. [*Shibolei HaLekket* is his Halacha collection.]
- Shiltei HaGiborim:** *Rabbeinu* Yehoshua Bo'az, Italy, died 1557. [*Shiltei HaGiborim* is his commentary to the Rif.]
- Shulchan Aruch:** The *Beis Yosef*<sup>o</sup>'s composition on Halacha. It is divided into the same volumes and *simanim* as the *Tur*<sup>o</sup>, but with each *siman* organized into *se'ifim*.
- Smag:** *Rabbeinu* Moshe of Kutzi (France), ~1200 - 1260. [*Sefer Mitzvahs Gadol* is his composition on the Mitzvahs.]
- Smak:** *Rabbeinu* Yitzchak of Korbil, France, ~1200 - ~1280). [*Sefer Mitzvahs Kattan/Katzar* is his composition on the Mitzvahs, also called "*Amudei Golah*".]
- Taz:** R. Dovid (HaLevi) Siegel (son-in-law of the Bach<sup>o</sup>), Poland, ~1585 - 1667. [*Turei Zahav* is his commentary to the *Shulchan Aruch*<sup>o</sup>.]
- Terumas HaDeshen:** *Rabbeinu* Yisrael Isserlan, Germany (and Austria), ~1390 - 1460. [*Terumas HaDeshen* is his "responsa", although the main (first) set are "made-up" questions.]

**Tosafos:** Collection of commentary material on the Gemara, composed by authorities of France and Germany, during the twelfth to fourteenth centuries.

**Tur:** *Rabbeinu* Yaakov ben Asher (son of the Rosh<sup>o</sup>), Spain, ~1280 - ~1345. [The *Arba'ah Turim* is his composition on Halacha. It is divided into four volumes: *Orach Chayim*, *Yoreh Dei'ah*, *Even HaEzer*, and *Choshen Mishpat*; and each volume is divided into hundreds of *simanim*.]

**Yad Efrayim:** R. Efrayim Zalman Margalios, Poland, 1761 - 1828. [*Yad Efrayim* is his commentary to the *Shulchan Aruch*<sup>o</sup> (and its commentaries).]

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