

# Intriguing Halakhot of Hanukah

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*Note : the following presentation is based on various insights by R. Bezalel Zolty, zatz"l, the former chief Rabbi of Jerusalem who passed away in 1982, and taken from his work Mishnat Ya'avetz.*

## Hoda'ah and the Mitzvah of Ner Hanukah

The celebrated text in the Gemara concerning Hanukah, *Shabbat 21b*, concludes as follows:

*The next year, Hazal made the eight days yamim tovim accompanied with Hallel and **hoda'ah**.*

**Shabbat 21b**

לשנה אחרת קבעום ועשאום ימים טובים בהלל  
והודאה.  
שבת כא:

What is meant by *hoda'ah*? According to Rashi, *hoda'ah* signifies the recitation of the '*al ha-nisim* prayer during the *hoda'ah* blessing in *Shemoneh Esreh*:

*[These days] were only instituted to recite Hallel and to recite 'al ha-nisim during the hoda'ah blessing.*

**Rashi, Shabbat 21b**

שלא נקבעו אלא לקרות הלל ולומר על הניסים  
בהודאה.  
רש"י, שבת כא:

R. Eliyahu Mizrachi, in his commentary on the French medieval work by R. Moshe of Coucy known as *Semag* (the acronym of *Sefer Mitzvoth Gedolot*) at *Hilkhot Hanukah*, raised the following question: Why did the Gemara *only* mention Hallel and *hoda'ah*, thanksgiving, but not the actual mitzvah to light the Hanukah menorah?

In answering this question, R. Zolty, in *Mishnat Yavetz, Heleq Orah Hayyim, siman #73*, first notes the following: From many *rishonim* we perceive a connection between the mitzvah to light Hanukah candles and lights of the menorah of the Temple, the *Bet Ha-Miqdash*. Some sources, with the relevant examples that they point to, are as follows:

- (A) **Rabad, at *Hilkhot Berakhot 11:15***. Since the rabbinic mitzvah of *ner Hanukah* is patterned after the biblical commands concerning *nerot she-be-miqdash*, Hazal made the parameters of the text of the blessing over *ner hanukah*, even though the mitzvah is only of rabbinic origin, as if it was a Torah law. That is why the blessing is "*le-hadliq ner*" and not "*al hadlaqat ner*." (The *Avnei Nezer* expands this notion to insist that certain *humrot* regarding the structure of the Hanukah menorah be adopted, in accordance with the structure of the menorah in the *Bet Ha-Miqdash*.)

- (B) **Rashi Shabbat 22b: *hadlaqah oseh mitzvah*.** This issue concerns the nature of the mitzvah to light Hanukah lights. Is the mitzvah to (actively and formally) *light* them, or only that “they should be lit” (passive)? (According to this second view, the active and formal requirement would then concern the *hanahah*, the placement of the lights, which does not concern us here.) The *reason* one would hold that with respect to Hanukah, *hadlaqah oseh mitzvah* is precisely because that is the nature of the law concerning the menorah in the *Beit Ha-Miqdash*.
- (C) **Ran (R. Nissim of Gerona):** How should one understand the Talmudic opinion that declares use of the light of the Hanukah menorah- even a mitzvah use- to be prohibited? The explanation is because this was the law concerning the menorah in the *Beit Ha-Miqdash*.

R. Zolty then concludes: Perhaps the nature of the rabbinic decree to light Hanukah candles was to promote a *zekher*, a remembrance of the *nerot* in the *bet ha-miqdash*. This concept was the basis of all the laws detailed above. Hence, as long as the 2<sup>nd</sup> *Beit ha-Miqdash* was standing, there was no need of any law *le-zekher nerot* in the *Beit ha-Miqdash*. At that time, although the commemoration of the restoration of the Temple by the Maccabees had already commenced, the only specific observances of the holiday of Hanukah were through the recitation of Hallel and *hoda'ah* (which is understood by Rashi, as we have explained, as meaning the recitation of *'al ha-nisim*). In sum, the Rabbis had not yet decreed that one should light *nerot* Hanukah, because there was no need to, as the Temple was still standing!

R. Zolty suggested that the decree to light Hanukkah candles occurred later, after the destruction of the Temple by the Romans. Thus, Rashi's mention *davka* (specifically) of insertions into our prayers as an expression of *hoda'ah* but not the mitzvah to light Hanukkah candles is, consequently, quite precise. The original Talmudic passage dealing with *hoda'ah* states *le-shanah aheret*: that is, the immediate year after the re-establishment of the *Beit Ha-Miqdash* by Judah Maccabeus and his colleagues. Only two hundred years later, after the *hurban*, did the obligation of lighting Hanukkah candles commence.

Can we point to any *rishon* who disputes Rashi and explicitly claims that Hazal had already decreed that every individual household should perform the mitzvah of *hadlaqat nerot Hannukah* while the *bet ha-miqdash* was still standing? R. Zolty points toward the Rambam:

For this reason, **the rabbis of that generation**, enacted that these eight days that begin on the 25<sup>th</sup> of Kislev are days of Joy and Hallel and that one should light candles each of the eight evenings at the entrances of the home to display and publicize the miracle. These days are called Hanukah and one is prohibited to eulogize or fast [on these days] just like on Purim. Lighting of the candles is a rabbinic mitzvah just as reading of the Megillah is.

**Rambam, Hilkhot Hanukah 3:3**

ומפני זה התקינו חכמים שבאותו הדור שיהיו שמונת ימים האלו שתחלתן כ"ה בכסליו ימי שמחה והלל ומדליקין בהן הנרות בערב על פתחי הבתים בכל לילה ולילה משמונת הלילות להראות ולגלות הנס. וימים אלו הן הנקראין חנוכה והן אסורין בהספד ותענית כימי הפורים. והדלקת הנרות בהן מצוה מדברי סופרים כקריאת המגילה.  
**רמב"ם הלכות חנוכה ג:ג**

According to the Rambam, however, the question of R. Eliyahu Mizrahi concerning Rashi re-emerges. Why did the original Talmudic Baraita not mention the issue of *hadlaqat ner Hanukah*?

R. Zolty answers this question by suggesting that Rambam interpreted the word *hoda'ah* differently than Rashi did. How did the Rambam explain what the word *hoda'ah* in the Baraita means? R. Isaiah of Trani, Italy, in his work *Piskei Riaz* interpreted *hoda'ah* with the following phrase: *modim 'al hanes shel Hanukah be-hadlaqat ha-nerot*. Evidently, he disputed Rashi's interpretation of *hoda'ah* as *'al ha-nisim* and explains that it refers to the actual lighting of the *nerot* Hanukah. Thus, the Baraita *does* mention the mitzvah of *nerot* Hanukah with its mention of the word *hoda'ah*. Do we have evidence regarding Rambam's stance concerning this *mahloqet* between Rashi and the *Piskei Riaz*? R. Zolty argued that we possess circumstantial evidence that he agreed with the interpretation of the *Piskei Riaz*. The evidence is as follows:

When the Rambam, in the aforementioned *halakhot* in *Hilkhot Hanukah*, records both circumstances that led to the holiday and the subsequent laws that Hazal established, he does *not* mention *'al ha-nisim*. Rambam only mentions the *'al ha-nisim* addition to our prayers in *Hilkhot Tefilah* (2:13). There he states that on Hanukah and Purim we mention *'al ha-nisim*. The very fact that he lumps Hanukah and Purim together, R. Zolty notes, is an indication that he did not see that there was a special, unique "Hanukah decree" (*takanah*) to recite *'al ha-nisim*. Rather, it was a *Hilkhot Tefilah* oriented *din* (law). That is, the category of this recitation is subsumed under a broader rubric of "prayers on rabbinic holidays."

Returning to the original Baraita, the language employed by the Gemara is *le-shanah aheret*, there was a *takanah* of *hallel* and *hoda'ah*. One can reasonably infer that Hazal instituted a specific *takanah* concerning Hanukah. If the above analysis is correct, how then did the Rambam interpret the word *hoda'ah*? He had to "fill it in" with some content! R. Zolty argued that it is appealing to claim, for this very reason, that Rambam agreed with the *Piskei Riaz* and interpreted *hoda'ah* *not* as Rashi did, but regarding the obligation to light Hanukah candles.

One might add to this by noting that the publicizing of the miracle (*pirsumei nisah*) that is entailed by lighting the candles represents a non-verbal *hoda'ah 'al ha-nes*.

R. Meir Simhah Ha-Cohen of Dvinsk, known as the *Or Sameah*, the title of his Maimonidean commentary, similarly points out that according to the Rambam, the mitzvah to sell one's clothing for *nerot* Hanukah applies even to the additional *nerot* one uses for *hiddur mitzvah*. Why? Because of the mitzvah to additionally *thank God* for the miracles that He bestowed upon us. Evidently, he also understands that the mitzvah of lighting *nerot Hanukah* is a fulfillment (a *qiyyum*) of *hoda'ah*. R. Zolty continues that this approach can be used to explain how the Rambam can interpret that in the immediate aftermath of the victory of the Hashmonaim, Hazal inaugurated the mitzvah of lighting candles. It is, according to this view, consistent with the Baraita, for according to the Rambam, *hadlaqat nerot Hanukah* is a non-verbal expression of the mitzvah of *Hoda'ah* that Hazal instituted.

R. Zolty admitted that one can still query why, according to the Rambam, the Baraita of "*le-shanah aheret*" did not explicitly use the term *hadlaqat nerot* Hanukah at all. Why did it instead employ the word *hoda'ah* which at best is only an *oblique* reference to the mitzvah of *hadlaqat nerot* Hanukah? He answered that question by first pointing to another famous crux in the Rambam's presentation of *Hilkhot Hanukah*. Why did the Rambam mention (*Hilkhot Hanukah* 3:3) that *hadlaqat hanerot* on Hanukah is a rabbinic mitzvah (*mi-divrei Soferim*) "just as *Qeriat*

*Ha-Megillah* (on Purim) is?” (The assumption of the question, of course, is that the Rambam was not just writing to buttress Rabbinic Judaism in contradistinction to the Karaites, but was emphasizing some legal, *halakhic* point.) To show how this fact is pertinent to the answer, some other factors have to be introduced.

The early Maimonidean commentator known by the name of his work *Maggid Mishnah*, among many other commentators upon the Rambam, discusses the internal contradictions of the Rambam regarding the question whether *kavanah*, intention, is a necessary prerequisite to fulfill a mitzvah or not. Regarding *matzah* (*Hilkhhot Hametz u-Matzah* 6:3), he says that *kavanah* is *not* necessary. Regarding *shofar* (*Hilkhhot Shofar* 2:4), he says that it *is* necessary. With regards to *Megillah* (*Hilkhhot Megillah* 2:5) he also says that *kavanah* is necessary, in line with his view regarding *shofar*. *Maggid Mishnah* (*Hilkhhot Megillah*, *ad loc.*) adds, however, an intriguing comment. Perhaps, he writes, everyone would agree that in the case of *Megillah* one needs *kavanah*. What does that mean? One might argue that, on the contrary, because the mitzvah to read the *Megillah* is only rabbinic, everyone would be more lenient! Indeed, the *Magen Abraham* on this score cites the *Teshuvot* of Radvaz who makes precisely this point.

Perhaps one could suggest that because *keriat ha-Megillah* only entails reading and listening and no other action (such as, e.g., *eating* matzah), one needs *kavanah* that “with this *qeriah* (of oneself or of the *ba'al qeriah* that one is listening to) he is fulfilling the mitzvah” in this case. (This would be in line with *Maggid Mishnah*’s own comments in *Hilkhhot Shofar* 2:4, where he suggests that as there is no *ma'aseh* in *hearing* the sounds of the *shofar*, one needs *kavanah*.) R. Zolty does not make that point, however, but goes in another direction. He suggests that it is the aspect of *publicizing of the miracle*, *pirsumei nisa* that *Qeri'at ha-Megillah* has that necessitates the requirement of *kavanah*. Now, *pirsumei nisa* means the public *hoda'ah* for the miraculous works of God. This is what must be done with *kavanah*.

With this background, R. Zolty continued, we can understand the legal ramification of the Rambam’s equation between Hanukah and Purim. With regard to both these holidays, we have exceptions to the general rule of *mitzvot ein tzerikhot kavanah*. Both of them entail the aspect of publicizing of the miracles of God, and *therefore* both the mitzvah of *hadlaqat ner Hanukah* and that of *qeria ha-Megillah* must be performed with *kavanah*.

R. Zolty continued even further. We can now also understand why the original “Hanukah Baraita,” in *Massekhet Shabbat*, *davka* used the phrase *hoda'ah* and did not directly mention *hadlaqat nerot*. According to the Rambam, the Baraita was also obliquely trying to teach this *din* that as *hadlaqat nerot* is *mishum hoda'ah*, that is, it is a *qiyyum* of *pirsumei nisa* in this fashion. An important corollary of this view is that if one lights the Hanukah lights without *kavanah*, then one has not fulfilled his *hiyyuv*, his obligation!

Why then, did the Rambam not explicitly mention that *ner Hanukah* is *be-khlal hoda'ah* mentioned in the Baraita? R. Zolty replied that he didn’t need to. He had already put the conceptual substructure into place. Since at *Hilkhhot Hanukah* 3:3 he had already equated Hanukah and Megillah, and this has been explained as referring to the issue of *kavanah*, and since he had already mentioned that the essence of the mitzvah of Hanukah is *pirsumei nisa*, that is, to make the Divine miracle, the *nes* known, and to increase the praise (*shevah*) of God and

thanks (*hoda'ah*) to Him, Rambam already implied the correlation between the formal mitzvah of *ner Hanukah* and the concept of *hoda'ah* mentioned in the original Baraita. All one has to do, is to put all the pieces together. That is indeed what R. Zolty did.

The Gemara (*Shabbat* 24a) has a query: should one mention Hanukah in *Birkat Ha-Mazon* (Grace After Meals) or not? On the one hand, the Talmud reasons, since the day is special in the Jewish calendar only on a rabbinic level, perhaps one should not have to. On the other hand, there certainly is the value of *pirsumei nisa*, which should mandate that we do indeed mention Hanukah in *Birkat Ha-Mazon* on Hanukah. The Gemara then writes that the law concerning *Birkat Ha-Mazon* is the same as that of *tefillah*, that is, one should mention it in *Birkat Ha-Mazon*.

Rashi *ad loc.* writes that as the celebrated Baraita concerning Hanukah mentions *hoda'ah*, one certainly already knew that one should recite '*al ha-nisim* in *tefillah*. The question that this Talmudic passage subsequently raised only concerned the *Birkat Ha-Mazon*. Tosafot adds that since *tefillah* is public (*be-tzibbur*), there naturally is an element of *pirsumei nisa*. The Gemara had thought that *perhaps* since *Birkat Ha-Mazon* is recited privately, in one's house, one should not have to say '*al ha-nisim*, for there is no public *pirsumei nisa* involved. The conclusion, of course, is that even in one's home, there is an element of publicizing the miracles by inserting added paragraphs of praise to our *Birkat Ha-Mazon*.

But Tosafot goes on to wonder at the placement of this query. It is, as we mentioned, on *Shabbat* 24a. It should have been placed at the beginning of the Talmud's discussions concerning Hanukah, at the *sugya* (portion), at *Shabbat* 21b, immediately after the original Baraita. Moreover, one can ask a more general question: Why does the Gemara nowhere ask a similar question regarding the mention of '*al ha-nisim* during *Birkat Ha-Mazon* on Purim? Since, according to Rashi, the mention of '*al ha-nisim* is not, as the Rambam holds, a general "*Hilkhot Tefilah*" *takanah*, but a function of the specific "*Hanukah*" legislation, and we do not find any specific Purim legislation of additions to the *davening mi-shum hoda'ah*, one might have thought that one should *not* be required to say '*al ha-nisim* on Purim. Yet it seems that the obligation to say '*al ha-nisim* on Purim, on the other hand, is not doubted!

These questions add strength to the position of the Rambam, R. Zolty argued. That is, the original Baraita of *hoda'ah* does *not* refer to '*al ha-nisim*, as Rashi understands, but is itself an oblique reference to the mitzvah of *hadlaqat ner Hanukah*. The mitzvah to mention '*al ha-nisim*, on the other hand, reflects a law subsumed under the rubric of *Hilkhot Tefillah*, and naturally occurs *both* on Hanukah and on Purim. This is why the Rambam nowhere in *Hilkhot Hanukah* mentions the obligation to recite '*al ha-nisim* on Hanukah. Moreover, the Tannaitic source of this law is the Tosefta in *Massekhet Berakhot* (3:10), in the midst of other *Hilkhot Tefilah*, and which states that one must recite *me'ein ha-me'ora* (words that mention the events that caused us to celebrate this day) on Hanukah and on Purim. This law has as much to do with Purim as with Hanukah, and is not connected in any special or unique way to Hanukah.

According to the Rambam, one may understand the question of the Gemara regarding '*al ha-nisim* in *Birkat ha-Mazon* on Hanukah and its position at the end of the Talmudic passages regarding Hanukah in a new light. Based on the Tosefta in *Berakhot*, one can already infer that

one has a *Hilkhhot Tefillah* obligation to recite *'al ha-nisim* on Hanukah and Purim. The Baraita in *Shabbat 21b*, however, specifically discusses *Hilkhhot Hanukah* issues, topics that are conceptually specific to Hanukah. Only after discussing *Hilkhhot Hanukah* related to the Baraita, the Gemara proceeds to discuss other *Hilkhhot Hanukah* in the broader sense of the term, that is, those laws that are relevant during the *time period* of Hanukah but which conceptually are *Hilkhhot Tefillah*. Hence it raises only at that juncture the question whether or not the *Hilkhhot Tefillah* obligation to say *'al ha-nisim* also extends to *Birkat ha-Mazon* or not.

Moreover, when the Rambam in *Hilkhhot Berakhot* records the conclusion that one indeed does recite *'al ha-nisim* on Hanukah, he combines it with the obligation to recite *'al ha-nisim* on Purim as well. For according to the Rambam, both with regard to *tefillah* and with regard to *Birkat Ha-Mazon*, the obligations to add *'al ha-nisim* on Hanukah and on Purim remain one Halakah.

Finally, I think that it is important to note how R. Zolty's approach to the Rambam can serve as an example of a key rule of Maimonidean interpretation: the *placement* of certain *halakhot* in the *Mishneh Torah* of the Rambam (in this case, rules concerning Hanukah that Rambam places in *Hilkhhot Hanukah*, versus rules that he places in *Hilkhhot Tefillah*) can shine much light upon their conceptual nature. Both the mitzvah of *ner Hanukah* and the recitation of *'al ha-nisim* possess separate and distinct functions that supplement and complement each other on the holiday of lights.