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Dear Friends,

The Gemara, *Shabbos* 21b, records a dispute between Beis Shamai and Beis Hillel regarding the proper procedure to light the Chanukah candles:

*Beis Shamai maintain: On the first day, eight candles are lit and afterwards they are reduced incrementally. Beis Hillel say: On the first day one is lit and afterwards they are increased incrementally.*

בית שמאי אומרים יום ראשון מדליק שמנה  
מכאן ואילך פוחת והולך ובית הלל אומרים יום  
ראשון מדליק אחת מכאן ואילך מוסיף והולך.

The Maharal, *Ner Mitzvah*, explains that each opinion represents a distinct perspective on how to approach our personal and Torah growth throughout our lives. According to Beis Shamai, one begins with a strong foundation of substance and stability. We embrace the *chag* by lighting all eight candles. Each subsequent night represent our capacity to continue to illuminate the world despite the inevitable erosion of light that comes with the challenges and experiences of life. Beis Hillel encourage us to engage our journey in a different way. According to Beis Hillel, it is not the foundation that determines the capacity and trajectory of growth, it is in the incremental momentum forward that ensures a constant aspiration to reach for greater connection to the values and ideals of Torah.

Chanukah is a holiday of the home. Its halachic and ritual focus is preoccupied with the values of family. *Ner ish ubeiso*, one candle per household is the basic mitzvah and *ner lechol echad ve'echad*, represents *mehadrin*, an enhanced form of the mitzvah. It is a time to reflect on the inspiration with which we fill our homes. We often turn to our students and children with extraordinary personal and religious expectations. The educational ideology of Chanukah manifests the notion that our primary concern is instilling the value of “*mosif veholech*,” of incremental momentum. We recognize the value of steady growth even though it may take time to actualize the illumination potential of the menorah. The Jewish people have faced much darkness in the past months. It is our dedication and devotion to “*mosif veholech*” – taking advantage of every opportunity to contribute a little more light into the world – that ultimately will illuminate these most difficult times with the light of redemption.

Wishing you and your entire family a *Chag Urim Sameach*,

**Rabbi Yaakov Glasser**

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# Praying for a Miracle: Perspectives Gleaned from a “Forgotten” Ruling in Hilkhhot Chanuka

Rabbi Elchanan Adler

Rosh Yeshiva, RIETS

The Rama (OC 187:4, 682:1) rules that one who forgot to recite Al haNissim (on Chanuka or Purim) in the second brakha of Birkat haMazon may do so within the Harachaman petitions which are appended to the *bentching*. In such an instance, one begins by reciting the following:

*May the Merciful One perform miracles for us as He performed for our forefathers in those days in this time.*

הרחמן הוא יעשה לנו נסים כמו שעשה  
לאבותינו בימים ההם בזמן הזה.

This is followed by the lengthy paragraph “Bimei Matityahu” in the case of Chanuka, and by “Bimei Mordechai v’Esther” in the case of Purim.

The Rama’s ruling, which grants license to request that Hashem “perform miracles for us,” is the subject of a fascinating discussion regarding the halakhic propriety of praying for miracles.

It is axiomatic to Judaism that Hashem is omnipotent and can freely alter the course of nature. It is also assumed that prayer can help bring about a desired outcome which defies the most overwhelming odds.<sup>1</sup> Yet, Chazal emphasize repeatedly not to rely on miracles (*ein somchin al hanes*). According to many authorities, it is improper to pray for a miraculous occurrence, and doing so constitutes a *tefilat shav* – a prayer in vain.

The precise contours of these competing motifs are not readily apparent. Questions that require elucidation include the following:

- What is the source and rationale not to pray for a miracle?
- Is praying for a miracle merely discouraged or is it actually forbidden?
- What criteria define a particular outcome as “miraculous,” and hence, unworthy of prayer, as opposed to one that is part of *teva* (the natural world) for which prayer is appropriate?
- Does a separate standard exist for different categories of people? Might it be permitted for individuals of extraordinary spiritual stature to pray for a miracle while ordinary people may not?
- Are there specific instances in which praying for a miracle is encouraged?

A full treatment of this topic would entail delving into a range of complex theological issues that lie beyond the scope of this essay. Rather, we will narrow our focus to surveying some of the basic sources and providing a framework for understanding their implications.

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<sup>1</sup> See, for example, Rabbeinu Bachyei to Devarim 11:13.

## Crying Retroactively: The Case of *Tefilat Shav*

The Mishna in *Berakhot* (9:3) offers two examples that are deemed *tefilat shav* (a vain prayer):

*One who prays retroactively, [his prayer] is a prayer in vain.  
How so? If one's wife is pregnant and he said "May it be His will that my wife give birth to a boy," that is a prayer in vain.  
If one is entering town and hears the sound of screaming coming from the town and he says "May it be His will that [those screams] are not from my family," that is a prayer in vain.*

הצועק לשעבר הרי זו תפלת שוא  
כיצד היתה אשתו מעוברת ואמר יהי  
רצון שתלד אשתי זכר הרי זו תפלת  
שוא. היה בא בדרך ושמע קול צווחה  
בעיר ואמר יהי רצון שלא יהיו אלו  
בני ביתי הרי זו תפלת שוא.

Common to both examples - praying for the gender of a fetus (whose gender has already been determined) and praying that a tragic event which has already transpired did not occur in one's own home – is the Mishna's introductory heading of "one who cries retroactively." This suggests that the inappropriateness of prayer in both instances is that the petition, rather than being "future oriented," is focused on what has already occurred. Inasmuch as prayer involves asking for Heavenly mercy, it can only be deemed relevant when directed to effecting a future outcome rather than changing the past.

Commenting on the first case, the Gemara (*Berakhot* 60a) challenges the premise of the Mishna that prayer has no efficacy once the gender has been determined:

*Does prayer not work? Rav Yosef asked: [the verse states] "And afterwards, [Leah] gave birth to a girl and she called her Dinah." What is meant by "afterwards"? Rav said, after Leah judged herself and said: there are going to be twelve tribes coming from Yaakov. Six came from me and four came from the maidservants - that makes ten. If [my fetus] is a boy, my sister [Rachel] won't have as many [come from her] as the maidservants! Immediately [the fetus] changed to a girl, as it states "and she called her Dinah." [This is not a proof that one can pray to change the gender of a fetus because] we do not mention miraculous occurrences. Alternatively, the episode involving Leah took place within forty days [of conception].*

ולא מהני רחמי? מתיב רב יוסף:  
ואחר ילדה בת ותקרא את שמה  
דינה, מאי ואחר? אמר רב: לאחר  
שדנה לאה דין בעצמה ואמרה:  
שנים עשר שבטים עתידין לצאת  
מיעקב, ששה יצאו ממני, וארבעה  
מן השפחות - הרי עשרה, אם זה  
זכר - לא תהא אחותי רחל כאחת  
השפחות! מיד נהפכה לבת, שנאמר  
ותקרא את שמה דינה! - אין  
מזכירין מעשה נסים. ואיבעית  
אימא: מעשה דלאה - בתוך  
ארבעים יום הוה.

The Talmud cites a midrashic legend concerning the Matriarch, Leah, who, after becoming pregnant with a male fetus, prayed that she give birth to a daughter (thus ensuring that her sister Rachel not have a lesser share of the twelve tribes than any one of the maidservants).

Immediately, the fetus in Leah's womb was transformed into a female.

This episode implies that prayer has relevance even when it involves a plea to alter the gender of an already formed fetus. Why, then, did the Mishna state that praying for one's pregnant wife to give birth to a boy is considered a *tefilat shav*?

The Gemara offers two answers. According to the second answer, Leah's prayer was offered within 40 days of conception when the fetus' gender is still undetermined. In such an instance, praying for a specific gender would not constitute a *tefilat shav*. The Mishna, by contrast, deals

with one who utters such a prayer after 40 days from conception. Since by that time the gender has already been determined, the prayer is deemed a retroactive cry and is, hence, a *tefilat shav*.<sup>2</sup>

However, in its initial response, the Gemara implies that Leah's prayer may have actually taken place after the initial 40 days of conception. Although her prayer proved successful in arousing Divine mercy to alter the gender of the fetus, the Mishna classifies such a prayer as *tefilat shav* because "*ein mazkirin maaeh nissim*" – we do not mention miraculous occurrences.

## Praying For Supernatural Intervention: Inappropriate or Impermissible?

It emerges from the Talmudic discussion that once the forces of nature deem a given situation fixed and irreversible, praying to alter that reality via supernatural Divine intervention constitutes a *tefilat shav*.<sup>3</sup> Thus, while Hashem may, in fact, choose to alter the genetic makeup of a developing fetus in exceptional circumstances, praying for such an outcome is not an optimum expression of prayer. This case, along with several others, are codified in *Shulchan Aruch (Orach Chaim 230)*.<sup>4</sup>

Likewise, the *Sha'agat Aryeh*<sup>5</sup> asserts that prayer should be limited to instances where a desired outcome is perceived as being within the realm of possibility according to accepted laws of nature, and not for results that require supernatural intervention.

The formal designation of *tefilat shav* implies that offering such prayers is deemed superfluous and futile. However, doing so may also entail an actual prohibition. The *Or haChaim*, in his commentary *Chefetz Hashem (on Masekhet Berakhot)*, deduces from the Gemara's phraseology of "*ein mazkirin maaseh nisim*" – "we do not mention miraculous occurrences" – that praying for a miracle constitutes a violation.<sup>6</sup>

A striking formulation of such a prohibition is cited by R. Akiva Eiger (in his glosses to *Shulchan Aruch, Orach Chaim 230:1*) in the name of *Sefer Chasidim (#795)*:

*One should not pray for anything that is not a natural occurrence, even though the Holy One Blessed Be He, is fully*

אל יתפלל אדם לבקש דבר שאינו כפי הטבע ואף שהיכולת ביד הקדוש ברוך הוא ... ואסור להתפלל שיעשה

<sup>2</sup> Interestingly, the *Midrash Tanchuma (Parshat Vayeitzei, #8)* maintains that a prayer regarding the gender of the fetus may be legitimately offered up to, and including, the moment that the prospective mother is seated on the birth stool (so long as the fetus has not yet emerged). For further discussion of these seemingly contradictory views, see the comments of R. Eliyahu Mizrahi and *Nachalat Yaakov* to Rashi Bereishit 30:21.

<sup>3</sup> See *Shenot Eliyahu* to the Mishna in *Berakhot* who defines *tefilat shav* in terms of whether the desired outcome is deemed as being consistent with the natural order ("*teva*") as opposed to miraculous ("*al derekh nes*").

<sup>4</sup> Among the cases cited there (*seif #2*) is that of someone measuring the grain in his granary. Prior to measuring, he recites a prayer that Hashem should send His blessing to the grain pile, but afterwards, such a prayer is deemed *tefilat shav*, since "blessing is only found in what is hidden from the eye." The commentaries struggle to find a distinction between praying that Hashem send blessing into the grain pile and praying that one's wife deliver a male child. Seemingly, the contents of the grain pile are already fixed and pre-determined in no less a manner than the gender of the fetus. See R. Asher Luntzer's *Ma'adanei Asher, Berakhot # 142* for a discussion of this question.

<sup>5</sup> *Gevurot Ari to Taanit 19a*.

<sup>6</sup> An even more explicit formulation appears in the Talmud Yerushalmi to *Taanit (3:2)*: "*Ein matri'in al ma'ase nissim*" – "we do not cry out for miraculous developments."

capable [of providing it] ... It is forbidden to pray that the Holy One Blessed Be He perform a supernatural miracle, such as [praying] that a tree should bear fruit before its proper time.

לו הקדוש ברוך הוא נס בשינוי עולם  
כגון שיוציא אילן זה פירות קודם  
זמנו.

This view is echoed by various commentaries and halakhic authorities.<sup>7</sup>

## Rationales for Prohibiting *Tefilat Shav*

The prohibition against praying for a miracle requires explanation. If, as noted, it is undeniably within Hashem's ability to perform a miracle, why should it be forbidden to pray for one?

Moreover, how was Leah justified in praying that the fetus in her womb be changed from male to female?

## Divine Reluctance to Override the Laws of Nature

There are several halakhic and hashkafic considerations that may explain why one should not pray for miracles. First, although Hashem can readily perform miracles at will, His preference is to run the world via the laws of nature which He has established, without resorting to miraculous intervention. This is especially true when dealing with the fate of individuals, as evidenced in the following Gemara (*Shabbat* 53b):

*Our rabbis taught: There was an incident involving a woman who died and left a son who required nursing, and the husband did not have the means to hire a wet nurse. A miracle occurred and his breasts provided milk like a woman and he nursed his son. Rav Yosef said: Come and see how great this man was that he was the recipient of such a great miracle. Abaye said to him: Just the opposite! How terrible it was for this person that the natural order was altered for him!*

תנו רבנן: מעשה באחד שמתה אשתו  
והניחה בן לינק, ולא היה לו שכר  
מניקה ליתן, ונעשה לו נס ונפתחו לו  
דדין כשני דדי אשה והניק את בנו.  
אמר רב יוסף: בא וראה כמה גדול  
אדם זה, שנעשה לו נס כזה! אמר לו  
אביי: אדרבה, כמה גרוע אדם זה  
שנשתנו לו סדרי בראשית!

While Rav Yosef extolled the merit of the man who miraculously became capable of nursing his newborn baby, Abaye viewed this same phenomenon in a negative light, given that this miracle necessitated Hashem's altering the natural course of creation. The Divine "reluctance" to resort to miracles which upset a semblance of the natural order is a motif that is emphasized frequently by Rambam,<sup>8</sup> Ramban<sup>9</sup> and other Rishonim.<sup>10</sup>

In short, one should not pray for a miracle out of deference to the Divine Will which, in the ordinary course of events, eschews miracles.

<sup>7</sup> See *Bekhor Shor* to *Shabbat* 21, as well as *Igrot Moshe Orach Chaim* Vol. 2 # 111. See, however, *Divrei Dovid* (Bereishit 30:21) who distinguishes between praying that "one's wife give birth to a male" (which is a physical impossibility in the event that the fetus is already female) and praying that "the fetus should be transformed into a male" which is permissible, despite the fact that such a transformation contravenes the laws of nature. Based on this, he reconciles the seeming contradiction between the Talmud and the *Midrash Tanchuma* (see above, note 2).

<sup>8</sup> See *Moreh Nevukhim* 3:32; *Peirush haMishnayot to Avot* 5:6, *Igeret Teshuvot haMeitim*.

<sup>9</sup> See commentary to Bereishit 6:19; Vayikra 21:17; Bemidbar 1:45, 13:1; Devarim 20:8.

<sup>10</sup> See *Derashot haRan* (Mechon Shalem edition, 5737), *Derush* #3, p. 46, and *Derush* #8, p. 129; *Sefer haChinukh* #132.

## *Ein Somchin al Hanes*: Not Relying on Miracles

A further rationale not to pray for a miracle is the Talmudic principle “*ein somchin al hanes*” – “we do not rely on miracles.”<sup>11</sup> Based on this notion, it is forbidden to place oneself in harm’s way in the expectation that one will be spared negative consequences:

*A person should never put himself in a dangerous situation saying that they will perform a miracle for him, perhaps they will not perform a miracle for him, and [even] if they do perform a miracle for him, they will deduct from his merits.*

**Shabbat 30a, Taanit 20b**

לעולם אל יעמוד אדם במקום סכנה  
לומר שעושין לו נס שמא אין עושין  
לו נס. ואם עושין לו נס מנכין לו  
מזכיותיו.  
שבת דף ל., תענית דף כ:

The Talmudic phraseology implies that relying on miracles is a dual problem. First, it is presumptuous to enter a situation with the naïve expectation that a miracle will be performed on one’s behalf. This motif is implicit in the Talmud’s initial statement: “saying that they will perform a miracle for him, perhaps they will not perform a miracle for him.” The next phrase highlights an additional concern: “And if they do perform a miracle for him, they will deduct from his merits.” In effect, one should take pains not to benefit from a miracle performed on one’s behalf because it depletes one’s reservoir of merits which would otherwise remain available for the afterlife.<sup>12</sup>

According to some Rishonim,<sup>13</sup> placing oneself in harm’s way with reliance on a miracle poses a violation of “*Lo tenasu et Hashem*” – “You shall not test G-d.”<sup>14</sup> Apparently, any conscious gesture that challenges Hashem to intervene unnaturally constitutes a violation of “You shall not test Hashem.”

Each of these considerations is consistent with the objection to prayer for miraculous intervention. Doing so is presumptuous, in that one deems himself worthy of miraculous intervention. Moreover, it leaves one vulnerable to losing a share in the afterlife. Finally, praying actively for a miracle may be construed as testing Hashem, since it beckons Him to intervene in an extraordinary manner.

## Defining “Natural” versus “Supernatural”

Admittedly, the issue that remains elusive is the fine line between “natural” and “miraculous.” Should the standards for defining a particular outcome as natural or supernatural be relegated to

<sup>11</sup> This rule appears in various permutations in the Talmud Bavli and Yerushalmi. For various efforts to harmonize the sources, see the entry in *Encyclopedia Talmudit* Volume 1 “*Ein somchin al hanes*.”

<sup>12</sup> This rationale is the basis for the congregational response to one who recites *Birkat haGomel*: “He who bestowed good on you should bestow upon you all good forever.” As explained by the commentaries (see *Barukh She’amar*), this response represents the hope that benefiting from Hashem’s extra measure of kindness should not come at the expense of one’s share in the afterlife.

<sup>13</sup> Radak to Berishit 12:12 and to Shmuel Aleph 16:2; *Kuzari Maamar* 5 #20, *Chovat haLevavot*, *Shaar haBitachon* Chapter 4.

<sup>14</sup> Devarim 6:16. The linkage between *ein somchin al hanes* and the above verse finds support in the Yerushalmi, *Yoma* 1:4. By contrast, the Bavli (*Taanis* 9a) cites *lo tenasu* in connection to performing a mitzvah with an expectation of receiving an earthly reward, would apparently not regard placing oneself in harm’s way as a violation of *lo tenasu*.

statistics? If so, what percentage represents the cutoff between “*teva*” and “*nes*”? Alternatively, should the definitions of “*nes*” and “*teva*” be determined by whether or not the “miracle” can be explained rationally, however statistically slim the possibility? Finally, might the halakhic parameters of natural and supernatural, or even the very prohibition to pray for a miracle, differ from person to person? Would a more spiritually elevated individual be justified in petitioning for miraculous treatment?

In order to gain a better perspective on some of the above, let us revisit the Talmudic discussion regarding Leah’s prayer, as well as the Rama’s ruling in *Hilkhot Chanuka*.

## Exceptions for Exceptional Individuals

As noted, one of the paradigmatic illustrations of *tefilat shav* is a prayer to alter the fetus’ gender once it has already been formed. We have also seen that many commentaries infer from the Talmudic discussion regarding Leah that offering a prayer in such an instance is halakhically problematic. If so, the question begs itself: how was Leah permitted to pray for a miracle?

The unequivocal answer given by many commentaries<sup>15</sup> is that Leah’s unique spiritual level entitled her to pray for a miracle.<sup>16</sup> In effect, Leah represented the exception that proved the rule.

In a similar vein, we find that the rule of “*ein somchin al hanes*” (we do not rely on miracles) is waived with respect to certain outstanding personalities. For example, the Talmud relates that R. Chanina ben Dosa placed his foot at the entrance of a viper hole and declared confidently: “It is not the scorpion that kills, but the sin that kills.” Furthermore, numerous legends are recorded regarding R. Chanina ben Dosa’s frequent reliance on miracles. Rashba<sup>17</sup> and *Sefer haChinukh*<sup>18</sup> explain that extraordinary individuals of such caliber stand above the laws of nature and need not be concerned about subjecting themselves to the normal risks and hazards that the average person needs to avoid.

From these exceptional examples we may conclude that Hashem’s preference to preserve the laws of nature only applies to ordinary people but not to people of extraordinary character for whom Hashem is happy to “bend” His will to accommodate their will. This is consistent with the notion expressed in the verse in Iyov (22:28): “*Vatigzar omer vayakam lakh*” – “you will decree and it will come to pass.”<sup>19</sup>

We may add that such exemplary individuals, because of their supreme level of trust in Hashem, do not experience distinction between the natural and the unnatural and do not regard deviations from the norm as miraculous. All occurrences are simply seen as manifestations of the

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<sup>15</sup> *Gevurat Ari* (Taanit 19a); *Chefetz Hashem* to *Berachot* 60a; *Bekhor Shor* to *Shabbat* 21a; Rama miPanu in *Alfasi Zuta* to *Berachot* ibid; *Igrot Moshe* OC Vol. 2 #111.

<sup>16</sup> Rama miPanu notes: “Let alone the Patriarchs and Matriarchs since for them the order of creation was no barrier.” R. Moshe Feinstein (*Igrot Moshe*, ibid) adds that Leah’s dispensation may also have been warranted based on the calculation that she made (that without changing the gender her sister Rachel would have less children than even the maid servants).

<sup>17</sup> *Responsa* Vol. 1 #413.

<sup>18</sup> *Mitzva* # 546.

<sup>19</sup> See *Sefer Ha’Ikarrim*, *Maamar* #4, *Perek* 41; Rama miPanu ibid.

*retzon Hashem*, the Divine Will.<sup>20</sup> Hence, the objection to relying on miracles and praying for supernatural intervention is suspended for them.

## Miracles Performed for a Community

In the wake of the Rama's ruling that one who forgot to mention *Al haNissim* in *Birkat Hamazon* should insert a separate *Harachaman* prayer beginning with "May the Merciful One perform miracles for us ...," halakhic authorities over the ages have advanced additional considerations regarding when it may be appropriate, even for ordinary individuals, to pray for a miracle.

*Bekhor Shor* (*Shabbat* 21, cited in *Shaarei Teshuva* to *Orach Chaim* 187:3) suggests a halakhic distinction between praying for a miracle for oneself and praying on behalf of the community. Only the former instance is to be avoided while the latter case is permitted. Hence, the *Harachaman* prayer which asks that Hashem perform wonders for "us" – namely, the community – poses no halakhic problem.

This distinction would correspond well with the rationale suggested above that praying for a miracle is inherently presumptuous, and therefore forbidden. It is understandable that an individual ought to view himself as underserving of a miracle on the basis of his individual merits. By contrast, the collective merit of the community may provide sufficient grounds to justify requesting a miracle on their behalf. Similarly, if the concern is based on depleting merits, this, too, should only apply to miracles performed for an individual and not to miracles performed for the community whose merits are constantly being replenished.<sup>21</sup>

## Nature-Based Miracles

*Bekhor Shor* offers a second defense of the Rama's ruling by differentiating between miracles that have no basis in the natural world (i.e. transforming the gender of the fetus) and miracles that are cloaked within the forces of nature. The type of miracle to which the *Harachman* prayer refers is one that is patterned after the military victory over the Greeks which we celebrate on Chanuka. Although this victory was achieved against overwhelming odds, it was manifest in the form of military prowess and could be justified by the laws of nature. Since such victories have been sustained historically, prayer for such a triumph can be viewed as falling within the natural order.

This distinction would apparently assume that praying for a miracle is prohibited out of deference to the Divine Will which is loath to perform overt miracles. Consequently, to the extent that a given "miracle" can be camouflaged within the forces of nature, the concern is mitigated.<sup>22</sup>

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<sup>20</sup> For further elaboration, see *Mikhtav Me'Eliyahu*, Vol. 1, pp. 177-186, 197; *Lev Eliyahu* (R. Eliyahu Lopian), *Bereishit*, pp. 64-68.

<sup>21</sup> On the other hand, if the reason that one should not pray for a miracle is because of Hashem's reluctance to alter the natural order, there is less of a basis to distinguish between the individual and the community. Furthermore, if relying on a miracle borders on the Torah prohibition of "Do not test Hashem," then perhaps even praying for a communal miracle should be avoided.

<sup>22</sup> However, if the reason that one should not pray for a miracle is because doing so is presumptuous, or because it may deplete one's spiritual merits, or because it tests Hashem, then the basis for this distinction is not as firm.

## Enhancing Hashem's Glory in the World

Another explanation for Rama's ruling, offered by *Yeshuot Yaakov*,<sup>23</sup> is that if one prays for a miracle in the hope that the miracle can be a vehicle to enhance the honor of Hashem in the world, then it is permissible.

This explanation implies that the prohibition is based on a concern that being the beneficiary of a miracle detracts from one's merits. This problem is obviated when the miracle serves to inspire others about the wonders of Hashem since in such an instance, the depletion of one's merits due to the miracle is counteracted by the merit accrued through having been the vehicle for Kiddush Hashem in the world.<sup>24</sup> It is such a motivation that may underlie the Harachaman prayer codified by the Rama.

## Praying for Unspecified Miracles

R. Moshe Shternbakh (*Moadim U'Zemanim* Vol. 2 #148) suggests that the halakhic problem of praying for a miracle only exists when praying for a specific miracle tailored to a given circumstance, whereas in the case of one who omitted Al haNissim, one merely asks Hashem to perform miracles in the abstract without any specificity.

The basis for this distinction may perhaps best be understood if the halakhic problem of praying for miracles lies in its conveying a sense of presumptuousness or its bordering on testing Hashem. The less specific and focused the prayer, the lesser degree to which the petition carries such associations.<sup>25</sup>

## A Matter of Timing: Capitalizing on *Eit Ratzon*; Tapping in to an "Open Faucet"

*Bnei Yisaskhar* (Shabbat 8:22) suggests that one may pray for miracles during an "*eit ratzon*" (time of favor). The implicit message of this approach is that there are times that are designated for special Divine grace when Hashem is more eager to perform miracles. At times like these, we are encouraged to utilize the power of prayer to invoke Divine mercy via natural or supernatural means, and all of the considerations enumerated above do not apply.

In line with the approach suggested by the *Bnei Yisaskhar*, we may suggest further that since Chanuka (and Purim) are days during which Hashem has already performed miracles on behalf of His people, it is therefore most appropriate at the anniversary of those miracles (*bayamim ha'heim bazman hazeh*) to pray that Hashem continue to perform miracles for us today as well. Consider

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<sup>23</sup> *Orach Chaim* 682.

<sup>24</sup> For elaboration on this idea, see *Yeshuot Yaakov* to *Parshat Noach*. Incidentally, this reasoning may also explain the basis for offering a *Korban Todah*, as well as *Birkat haGomel*, which are performed when being rescued from harm. By utilizing the experience to inspire others about Hashem's wondrous ways, the recipient of the Divine grace ensures that his experiencing the good fortune brings about a "net gain" in his spiritual bank account.

<sup>25</sup> On the other hand, if the issue is framed in light of Hashem's preference to preserve the natural order or because a miracle may deplete one's merits – it is difficult to see the basis for distinguishing between a focused prayer and an unfocused prayer.

the image of a spigot that has already been opened to allow water to flow. Whereas a closed faucet does not readily open anew, an open spigot stands ready to gush. Days of miracles are analogous to an open spigot; hence, praying for a miracle does not require Hashem to open a “new channel” to defy the natural order. Additionally, such a request is not deemed presumptuous or a form of testing Hashem since the spigot is “already open.” By the same token, miracles performed during a season of miracles would most likely not deplete one’s spiritual merits.

## A Request for Miracles within Al haNissim

In closing, it is noteworthy that many Rishonim cite a version of Al haNissim that concludes with a prayer that “just as You performed miracles for our forefathers then so shall You do so for us today.” The *Mechaber* (682:3) cites two views regarding whether this concluding wish should be recited. As noted by the *Mishna Brura* (ibid), the main objection is either that requests should not be inserted within the latter three blessings of the Amida or because a forward looking request is incompatible with the focus of Al haNissim which reflects thanks for the past.<sup>26</sup> Interestingly, the Rishonim do not raise the objection of praying for a miracle. Apparently, the various approaches outlined above can serve as an equal justification for concluding Al haNissim with a request that Hashem perform miracles for us.

May we be granted the faith and humility to witness the dedication of the third Beit haMikdash speedily in our days in a manner that Hashem deems most appropriate.

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<sup>26</sup> In this regard, it is noteworthy that adding a request for the future alongside thanks for the past is not entirely uncommon. For example, the *Nishmat* prayer, after enumerating the many ways in which Hashem has rescued us in the past, proceeds with a request that Hashem not abandon us forever. Similarly, the Hallel includes the verses “*Ana Hashem hoshi’a na*” and “*Ana Hashem hatzlicha na*” – Please Hashem save us, please Hashem have us succeed.” Apparently, it is entirely appropriate that one’s expression of thanks be accompanied by a plea that the pattern of good fortune continue in the future. I have elaborated on this idea in [two shiurim posted on yutorah.org](http://www.yutorah.org) (entitled “Hoda’ah as Thanks and Confession,” and “Between Thanksgiving and Chanuka: The Nature of Hoda’ah”).

# The Mezuzah and the Menorah

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## Where Do You Put Your Menorah?

You probably are forced to forgo the very best location for the Hanukkah lights, as are most of us who live in wintry cold locations. The wind blows and so we cannot leave the candles outdoors. We find a convenient spot on the windowsill from within and allow the candles to be seen by passersby, fulfilling the mitzvah of publicizing the miracle.

But that's not what Jewish law preferred as the most ideal choice. The spot really reserved for the menorah is by the door of one's household. To be more specific still, halakhah requires that the symbol of Hanukkah be situated exactly opposite the other mitzvah, which long ago preceded it as a ritual requirement at the entrance of every Jewish household. The *Shulhan Arukh* puts it succinctly:

*The mezuzah is to be on the right side, the Hanukkah candles on the left.*

**Shulhan Arukh, Orach Chaim 671:7**

מזוזה מימין ונר חנוכה משמאל.  
שלחן ערוך, אורח חיים  
תרעא:ז

Simply put, the significance of these two items on either side of the door is to surround us with mitzvot. How beautiful, indeed, to know that no matter which way we turn there is a reminder for us of God's providential and protective care.

But I believe there's something far more profound to this duality of religious expression that demands an opposite side for each one of its component parts. It reflects upon the essential meaning of these two major mitzvot even as it allows us to understand the unique message of the festival of Hanukkah as the most relevant of all holidays observed by Jews in contemporary times.

Why a divine reminder at one's door? Let us define first the importance of the doorway to one's home as the site for a religious symbol. The door of one's residence is, in fact, an all-important location because it represents the meeting ground of two worlds in which every one of us lives. We are part of the world; we are also at times apart from the world. We live as members of the larger society interacting with others. We also have our own private lives, a very personal existence. To use the categories of Shabbat laws, we occupy the world of *reshut harabim*, the public domain as well as the world of *reshut hayachid*, the private domain. Our lives know the clamor of the crowds and the silence of solitude. We are players in the games of our communal activities, as well as isolated individuals engrossed in the pastime of solitaire.

It is the door that serves as entryway from one world to the other. It is the bridge between our two existences. It is the path from our private persona to our public face—as well as our point of return once again from the scrutiny of the masses to the security and safety of self-awareness. Small wonder then that the Torah itself decreed a Godly reminder at a spot filled with so much need for ritual fortification. But what is not clear at first glance, is which trip served as the focal point of biblical concern. The door of the home is both entrance and exit. For which route did God most worry that we might forget His presence and therefore demand a divine reminder?

## The Two Possibilities

Logically, we might very well project two distinct and different possibilities for the purpose of the mezuzah. On the one hand, the Torah emphasis may be on the trip from the outside world to the private precincts of one's secret surroundings. After all, there are many people who behave properly when they are seen and observed by others. Peer pressure is a well-known concept. Policemen need not be only those who carry clubs and wear uniforms. Social mores and proper behavior can be enforced by the eyes of friends and neighbors, the mere glances of those whom we respect and whose good opinion of ourselves we desire. To be “outside” is to have some measure of restraint upon our actions automatically present.

That may well be why when a Jew leaves the public domain to enter the confines of his or her own home, halakhah imposes a mezuzah with a special message. It comes as a reminder and it symbolically speaks to the Jew who now enters the world unwitnessed by prying eyes and unseen by critical strangers.

Outdoors one could not possibly desecrate the Sabbath. But indoors, who would see? On a fast day, one could not possibly eat in full view of fellow Jews. But alone in one's room—who would ever know? As moral and sexually responsible individuals, we would never sink to illicit behavior in a social setting. But *b'chadrey chadarim*—in the intimacy of our inner chambers, what is to prevent us from total liberation and self-abandonment?

That may well be the intent of the mezuzah at one's door. No, not only when you are part of the larger world, in full view of other mortals, are you to maintain your standards and your values. As you move from the world to your home, hear the mezuzah proclaim that the all-knowing and all seeing Creator of the universe is with you always and everywhere.

Be as religious, as pious and as scrupulous in your observance when no one is watching you as when you are in the public eye. Perhaps this is the major intent of the mezuzah as it seeks your attention on the way into your personal and private habitation.

Or perhaps the interpretation of the mitzvah of mezuzah is concerned with precisely the opposite journey of every Jew—not on the way *into* one's home but rather *on the way out*. Isn't it possible that the fear of remaining dedicated to our faith is of more concern with our actions in public rather than in private?

Consider the following scenario: In one's own home, a Jew is scrupulous about the laws of kashrut. He keeps his head covered at all times. He prays at all the fixed times, never missing

even a Minchah or Ma'ariv. It is, after all, not so very difficult being Jewish in Jewish surroundings.

But oh how hard it is to remain pious and perfect in a world so alien to our ideology. Who has not heard the rationalization for removing oneself from the burdens of religious practice when traveling, when away from one's immediate surroundings, when placed in a new environment or surrounded by those not religiously committed? When in Rome, goes the old saying, do as the Romans do. So, too, say many, when surrounded by Gentiles or assimilated Jews, why stick out like a sore thumb with antiquated religious traditions? It is the world outside which beckons seductively and beseeches assimilation. When the Jew leaves the sanctity of his four walls, he becomes susceptible to the dangers lying in wait. Perhaps this, then, is the real purpose of the biblical mitzvah that reminds us to remember God as we cross over from one domain to the next. Maybe halakhah is really most worried about our spiritual salvation not at the doorway of entry, but rather at the doorway of exit.

## Which is it: Entry or Exit?

We have posed a fascinating question. Two possible alternatives have been advanced. But halakhah has indeed made a decision between them and offered us a decisive answer. *We know the purpose of mezuzah because of the exact position at which it is placed.*

Consider for a moment on which side of the door the mezuzah must be hung. Of course, halakhah teaches that it belongs on the right side, but that still leaves us in doubt. After all, the right side can be the left side if you are facing the door from the opposite direction.

Which “right side” does the law tell us to acknowledge as the correct one? The halakhah is “בִּדְרוֹךְ יְמִין שׁוֹכְנִים לוֹ” (Shulhan Arukh, Yoreh De'ah 289:3). A mezuzah must always be put on the right-hand side because that is the more important direction. As the verse puts it “*Yemin Ha'Shem*—to the right is the Lord (Tehillim 118:16).” And if the halakhah is that the mezuzah is placed on the right side *as we enter*, it must be because we therefore proclaim as prime purpose a turning to God from the outside world to one's private chambers.

Indeed, the interpretation of mezuzah accepted by law is the first possibility we offered above. God wants us to think of Him when we leave the security of society and enter the world of almost infinite options afforded by privacy.

That was the focus of the “the mitzvah of the doorway” as it manifested itself for centuries in the biblical commandment of mezuzah. But with the story of Hanukkah, there came into existence yet another “mitzvah of the doorway,” which would be placed on the opposite side—because the conditions responsible for the emphasis of the Torah were altered in such a way that the concern of our sages shifted from entrance to exit.

## The Two Kinds of Societies

The Torah was given as ideal law for an ideal Jewish world. It conceived of a Jew living in a society governed by halakhah, guided by an awareness of God and committed to His will and His way. In that world, envisioned by the Bible, the bridge between a person's two spheres of existence had, of course, to focus on the door as a point of entry. In the street, one would *have to*

be good. Pressure of peers guaranteed compliance. Only with privacy came the possibility for transgression—and the need for the mezuzah’s reminder that even if the eyes of others are no longer upon us, “הנה לא ינום ולא ישן שומר ישראל” Behold the guardian of Israel neither sleeps nor slumbers (Tehillim 121:4)—the All-seeing one is always with us.

But the ideal world as the Torah envisioned it did not last forever. The very first time in history the Jews living in Israel were forced to confront an alien culture was in the period of the Hellenists. The Greeks projected an ideal that was in direct contrast to the teachings of Judaism. Whereas we had stressed the beauty of holiness, the disciples of Sappho promulgated the holiness of beauty. The outside world, instead of strengthening one’s faith, now became the battleground upon which the forces of assimilation and apostasy prevailed. Long before the Age of Emancipation there were Jews, known as Hellenists, who became so seduced by the alien culture that they chose as slogan: Be a Jew in your home—but a man of the world and a Greek in the world outside.

In the aftermath of the victory of the Maccabees, our sages understood that this new challenge had to be met. The Jew needed a reminder of God at his doorway not only when he entered his house but, perhaps far more significantly, when he left it. And so, another mitzvah was established. The menorah was to be placed opposite the mezuzah. Not simply because a Jew would then be surrounded by mitzvot. Rather, the menorah was actually *on the right side as well if one considered that every Jew would be facing it on his right when he exited the precincts of his private dwelling to confront the challenges of an alien world.* It is when the reality of “the outside” was altered that the position of God’s reminder symbol had to be switched from one side to the other.

## The More Important Symbol for our Day

Of the two mitzvot, the menorah and mezuzah, which one is more relevant to our times? We too, like in the days of the Maccabees, live at a time when Hellenism in its many guises powerfully reigns in our surroundings. It’s masked as secularism and hedonism. It beckons us with the currency of comforts and luxuries, of pleasures and parties. It asks us not to be “so different,” so “frum,” “so peculiar,” so ... well, so very Jewish.

Be a Jew in your house but a Greek in the streets said the Hellenists of old. Be a Jew in your home but a German in the streets said the Jews of Germany. Be a Jew in Boro Park or Monsey or in your own private little neighborhood but an American when you go out, goes the contemporary version of this age-old absurdity.

Maybe true Torah Jews a long time ago only needed a mezuzah. But we, subject to the daily onslaughts from a society gone mad, which seeks to absorb us as well, more than anything else need a menorah—not on the left side, but on the right side as we go from the holiness of our homes to a world bereft of values on the outside. With the majesty of its message, may we, too, miraculously prevail as did the Maccabees of old.

# The Camel, the Candle & the Convenience Store

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One of the most famous disputes regarding Chanukah lights is the dispute between Beit Shammai and Beit Hillel as to whether one should decrease the number of candles throughout Chanukah or increase them. This dispute involves two schools of Tannaim, sages of the Mishna, and is recorded in the Gemara, *Shabbat* 21b. This dispute does not appear in the Mishna, but rather in a *beraita* (a *beraita* is defined as an oral ruling from the Mishnaic period that was not included in the Mishna). The holiday of Chanukah does not have a dedicated tractate or even a chapter in the Mishna to discuss its laws. In fact, throughout the six orders of the Mishna, there is only one reference to the Chanukah lights and it is somewhat tangential.<sup>1</sup> The Mishna states:

*If a camel was carrying flax and passed through the public thoroughfare and his flax extended into a store and caught fire from the candle of the storeowner and subsequently burned the building, the owner of the camel is responsible for the damage. If the storeowner left the candle outside, the storeowner is responsible. R. Yehuda says: If it was a Chanukah light [that was left outside], he is exempt.*

**Bava Kama 62b**

גמל שהיה טעון פשתן ועבר  
ברשות הרבים ונכנס פשתנו  
לתוך החנות ודלקו בנרו של  
חנוני והדליק את הבירה בעל  
גמל חייב הניח חנוני נרו מבחוץ  
החנוני חייב רבי יהודה אומר  
בנר חנוכה פטור.  
**בבא קמא סב:**

The ruling of R. Yehuda doesn't seem very relevant to the holiday of Chanukah or the laws of lighting. It addresses the reality that Chanukah lights are lit outside, but is focused on how that reality relates to the laws of torts. Yet, as we analyze the opinion of R. Yehuda and those who dissent, we will see how this Mishna teaches us some laws relating to lighting Chanukah candles, as well as messages that can be gleaned from the discussion.

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<sup>1</sup> There are a number of suggestions as to why the actual laws of lighting Chanukah lights do not appear in the Mishna. See R. Moshe Tzvi Neriya, "Why Aren't the Laws of Chanukah Taught in the Mishna?" (Hebrew), *Shanah B'Shanah* 5748 pp. 159-168, who quotes three different suggestions. First, the laws of Chanukah are listed in *Megillat Ta'anit*, which predates the Mishna. Therefore, there was no need to include them in the Mishna. Second, Chanukah was considered by the Romans to be a symbol of rebellion and therefore, for political reasons, a specific tractate dedicated to the laws of Chanukah was not included in the Mishna. Third, the Mishna does not include other common laws such as *tzitzit* or *tefillin* because they were well-known and there was no need to record them. The laws of Chanukah were also well known when the Mishna was compiled and therefore they were omitted from the Mishna. Much of R. Neriya's article deals with a suggestion attributed to R. Moshe Sofer (Chatam Sofer) that R. Yehuda HaNasi, the editor of the Mishna, was a descendant of King David and he omitted the laws of Chanukah because the Chasmonaim inappropriately usurped the Kingdom of Israel from the descendants of King David. R. Neriya contends that R. Sofer would have never made such a comment and shows why this suggestion has many flaws.

The Tosefta presents the view of the Chachamim who disagree with R. Yehuda:

*R. Yehuda also says that regarding a Chanukah light, the storeowner is exempt because he placed it with permission. The rabbis (Chachamim) say that in all situations the storeowner is responsible, similar to those who place a sukkah on Sukkot in public at the door of their store. Even though they have permission to place it there, if someone trips on it, they are responsible.*

**Tosefta, Bava Kama 6:13**

וכן היה ר' יהודה אומר בנר חנוכה פטור מפני שהניח ברשות וחכמים אומרים בין זה ובין זה חייב כגון אילו מסככין על פתחי חנויותיהן ברשות הרבים בחג אע"פ שיש להן רשות ובא אחר והוזק בהן הרי זה חייב.  
**תוספתא, בבא קמא ו:יג**

This Tosefta, which is recorded in the Talmud Yerushalmi, *Bava Kama* 6:8, provides a fuller picture of the debate between R. Yehuda and the Chachamim. According to R. Yehuda, the storeowner is not liable because he lit the candle “with permission.”<sup>2</sup> For the Chachamim, having permission to light the candle in public doesn’t exempt one from liability. They support this idea from another example: someone who puts up a sukkah that extends into the public thoroughfare. The Chachamim take it as a given that the owner of the sukkah is liable if someone trips on the sukkah and gets hurt. Why should the case of the Chanukah light be any different?

Rashba, based on the explanation of the Tosefta (which he quotes from the Talmud Yerushalmi) provides an analysis of the dispute between R. Yehuda and the Chachamim:

*R. Yehuda says that if it was a Chanukah light, he is exempt because it was with permission. This means that he was authorized to place it there because he was performing a mitzvah ... However, not everyone who places something in public under the authority of performance of a mitzvah is exempt, for if he built a sukkah on the outside of his home [in public] and someone tripped on it, he would be responsible as it states in the Talmud Yerushalmi “similar to those who place a sukkah on Sukkot [in public] at the door of their store. Even though they have permission to place it there, if someone trips on it, they are responsible.” Rather, R. Yehuda only [exempts] someone who lights Chanukah lights [in public] because there is a mitzvah to leave the candle on the outside of one’s door in order to publicize the miracle.*

**Rashba, Bava Kama 62b**

ר' יהודה אומר בנר חנוכה פטור מפני שהוא ברשות. כלומר ברשות דמצוה ... ומיהו לא כל מוציא ברשות מצוה פטור, שאלו עשה סוכה דמצוה על פתח ביתו מבחוץ והוזק בו חייב כדאיתא בירושלמי כגון אלו שעושין סוכות בפתח חנויותיהם בחג מפני שהוא רשות ובא אחר והוזק בו חייב, אלא כי קאמר ר"י בנר חנוכה שהוא מצוה להניחה על פתח ביתו משום פרסומי ניסא.  
**רשב"א, בבא קמא סב:**

<sup>2</sup> The implication of the Mishna is that when the storeowner is exempt, nobody else is considered liable, including the owner of the camel. This in fact is the opinion of R. Yehoshua Falk, *P'nei Yehoshua*, *Bava Kama* 22b. R. Falk explains that the owner of the camel is not negligent in any way in allowing his camel to roam freely through the public thoroughfare. R. Yehuda Aryeh Leib Alter, *Sefat Emet*, *Shabbat* 21b, suggests that the Mishna does not mention the liability of the camel owner because it is not likely that a candle placed on the outside would cause a fire to a building. The only liability discussed at the end of the Mishna is regarding damage caused to the load on the camel. If the storeowner is exempt, then it is the camel owner’s loss regardless of whether he was responsible. However, if the fire damages someone else’s property, the camel owner would be responsible (according to R. Yehuda) because on Chanukah, when people light their candles in public, animal owners must take extra precautions.

According to Rashba, R. Yehuda's exemption is limited specifically to Chanukah lights which (in Talmudic times) must specifically be placed right outside one's doorway. The storeowner had no other choice but to place his candles in the public thoroughfare and as such, he was "authorized" to place them there. However, even R. Yehuda agrees that if someone places a sukkah in the public thoroughfare, he would be liable for any damage that ensues because there are many places where one can construct a sukkah. The Chachamim who disagree are seemingly of the opinion that even when one has no other choice, one is still liable for the damages.

R. Menachem Meiri has a different approach to understanding the Tosefta:

*According to the Chachamim [one is liable] even when placing an item on the authority of fulfilling a mitzvah and Jewish law follows their opinion. This is what is stated in the Talmud Yerushalmi that those who place their sukkah at the door of their store in the public thoroughfare and someone trips on it, they are liable.*

**Beit HaBechira, Bava Kama 62b**

ולדעת חכמים אף ברשות מצוה  
אומרים כן והלכה כדבריהם וזהו  
שאמרו בתלמוד המערב אלו  
שעושים סוכתם בפתחי  
חנויותיהם מבחוץ הוזק בה אדם  
חייבים.  
בית הבחירה, בבא קמא סב:

According to Meiri, R. Yehuda and the Chachamim disagree both about the Chanukah lights and the sukkah. R. Yehuda is of the opinion that one is exempt from liability any time one is engaged in a mitzvah. There doesn't seem to be any difference between a case where one had a choice to place the item elsewhere or not. The Chachamim disagree and hold one responsible, even when engaged in a mitzvah.<sup>3</sup>

## Is There a Requirement to Light Close to the Ground?

In light of the Rashba's and Meiri's differing approaches to the dispute, we must now analyze a passage of the Gemara that relates to the proper placement of the Chanukah lights. The Gemara is bothered by the following question: Why does R. Yehuda exempt the storeowner? Why not require him to light his candle high enough so that the camel's load (or other cargo that passes through) doesn't catch fire?

*Ravina said in the name of Rava: We see from R. Yehuda's [opinion] that one must place the Chanukah lights within ten tefachim (approximately 36 inches) because if we were to assume that above ten is permissible, why did R. Yehuda exempt [the storeowner]? We should tell him that he should have placed the candle above the height of the camel and its rider. Rather, we see that one must place it within ten. They said: No. In reality*

אמר רבינא משמיה דרבא ש"מ  
מדברי יהודה נר חנוכה מצוה להניחה  
בתוך עשרה דאי סלקא דעתך למעלה  
מעשרה אמאי אמר ר' יהודה נר  
חנוכה פטור לימא ליה הוה ליה  
לאנוחה למעלה מגמל ורוכבו אלא  
לאו ש"מ מצוה להניחה בתוך עשרה  
אמרי לא לעולם אימא לך אפי'

<sup>3</sup> The Mishna, *Bava Kama* 32a, states that if one person is running and another is walking and they collide, the runner is responsible for the damage. The Gemara, ad loc., states that if the runner is running on Friday afternoon to greet Shabbat, he is exempt because he is running "with permission" of the mitzvah to greet Shabbat. This exemption seems to apply even according to the opinion of the Chachamim. Why is this case different than the case of the Chanukah lights? Meiri, ad loc., suggests that the exemption is specific to someone who is running. Ordinarily, the runner is responsible because he is behaving differently than the rest of the pedestrians and is therefore the one who caused the accident. However, on Friday afternoon, the rabbis established that it is normal to run and therefore, someone who is running is not considered the person responsible for causing the accident.

above ten is also valid. That which you said that he should have placed it higher than the camel and its rider, [we will respond that] since he is involved in a mitzvah, the rabbis didn't want to overburden him.

**Bava Kama 62b**

למעלה מעשרה מאי אמרת אבעי לך  
לאנוחה למעלה מגמל ורוכבו כיון  
דבמצוה קא עסיק כולי האי לא  
אטרחווה רבנן.  
**בבא קמא סב:**

Rava's inference seems to support Rashba's approach. R. Yehuda only exempts the storeowner in a situation where he had no other choice but to place the item in that location. As such, one can conclude from the fact that the storeowner is exempt that he had no other choice but to place the candle low to the ground. If it was acceptable to light the Chanukah lights in a higher location, the storeowner would be liable for not doing so. The Gemara then counters Rava's argument by claiming that in fact the storeowner could have lit in a higher location but the rabbis didn't require him to do so. An almost identical passage in the Gemara, *Shabbat 21b*, formulates this counter argument as follows: If we would require him to light in a higher location, perhaps he will refrain from lighting altogether. The counter argument seems to support Meiri's position. Even when there is a possibility of placing the item in a location that won't cause damage, R. Yehuda exempts someone who places an item in public for the purpose of fulfilling a mitzvah.

How do Rashba and Meiri explain the position in the Gemara that does not seem to support their respective arguments? Rashba, *Shabbat 21b*, writes that as a matter of halacha, one should light the Chanukah lights within ten tefachim of the ground.<sup>4</sup> He notes that while the Gemara does provide a counter argument to Rava's inference, the Gemara never meant to reject Rava's argument outright, but rather to provide another theoretical possibility to understanding R. Yehuda's opinion. Rava's inference remains the true interpretation of R. Yehuda's opinion.<sup>5</sup>

Meiri, op. cit., is of the opinion that as a matter of halacha, there is no requirement to light the Chanukah lights within ten tefachim. Rava's inference is ultimately rejected. As such, one can explain that while Rava's premise was that R. Yehuda only exempts one who places a mitzvah item in public because there is no other option, the ultimate conclusion is that even if there are other options, R. Yehuda exempts the storeowner. This exemption is motivated by a desire to encourage the storeowner to perform a mitzvah without overburdening him.<sup>6</sup>

<sup>4</sup> *Shulchan Aruch, Orach Chaim 671:6*, follows the opinion that one should place the lights within ten tefachim of the ground. *Mishna Berurah 671:27*, notes that some authorities rule that this does not apply when one is lighting indoors. He further notes that if one has a choice of lighting opposite a window that is seen from the street or lighting within ten tefachim of the ground, one should light opposite the window.

<sup>5</sup> R. Meir Eisenstadt, *Panim Meiros* 1:47, questions those Rishonim who accept the opinion of the Chachamim that the storeowner is liable and also accept the opinion that one must light the Chanukah lights within ten tefachim. If one follows the opinion of the Chachamim, how can one conclude that one must light within ten tefachim? Perhaps the very reason why the Chachamim hold the storeowner liable is because he could have lit the candles higher up, but if he had no other choice, they too would exempt him. R. Yosef Shaul Nathanson, *Shoel UMeishiv* Vol. I 1:126, answers that if one follows Rashba's understanding, this question doesn't have any basis. The Chachamim never exempt someone on the basis of performance of a mitzvah. Therefore, the discussion in the Gemara is specifically within the opinion of R. Yehuda with the assumption that the Chachamim do not disagree about the laws of Chanukah, only the laws of torts.

<sup>6</sup> This would explain why according to Meiri, R. Yehuda exempts someone who builds a sukkah in the public thoroughfare. There may be other places to build the sukkah, but requiring someone to find a new location because of potential tort liability may discourage him from fulfilling the mitzvah.

## Rambam's Opinion

Rambam's position requires further clarification. Rambam does not codify the requirement to light within ten tefachim of the ground. This ostensibly means that according to R. Yehuda, the reason why one is not required to light the Chanukah lights higher up is that we don't want to overburden the storeowner. The Chachamim who disagree do require the storeowner to light higher up. Yet Rambam, in codifying the opinion of the Chachamim, provides a different reason for their opinion:

*If the storeowner placed his candle on the outside, he is responsible, even for the damage to the flax because he placed the candle outside and even if it was a Chanukah light, he should have sat and guarded it.*

**Rambam, Hilchot Nizkei Mamon 14:13**

הניח החנוני נרו מבחוץ החנוני חייב  
אף בדמי פשתן מפני שהניח נרו  
מבחוץ ואפילו נר חנוכה היה לו לישב  
לשמור.  
רמב"ם, הל' נזקי ממון יד:יג

Rambam seems to introduce a new concept to the discussion: that the storeowner should have sat and guarded the candle. Why doesn't Rambam provide the reason of the Gemara—that he should have lit higher up—and why does he provide his own reason?

R. Yisrael Lipschitz, *Tiferet Yisrael, Bava Kama 6:52*, suggests that according to Rambam, the Chachamim agree that one would be exempt from liability for creating a hazard while performing a mitzvah if there is no other option. However, such a situation is extremely rare because there is always the option of preventing the item from causing damage by sitting next to it and guarding it.<sup>7</sup>

According to Rambam, the logic of the Chachamim seems very compelling. How can we explain the opinion of R. Yehuda? Why doesn't he require the storeowner to sit next to the candle and guard it? Perhaps the answer is that R. Yehuda didn't want to overburden the storeowner and discourage him from performing the mitzvah altogether. If this was R. Yehuda's concern in not requiring the storeowner to raise his candle, we can certainly say that such a concern would apply to requiring him to sit and guard his candle. Raising the candle only requires the storeowner to erect or purchase a platform at the beginning of Chanukah, whereas sitting and guarding the candle each night for (at least) a half hour is a great expenditure of time.

It is possible that even Rava considered the level of effort required in explaining R. Yehuda's opinion. Rava may have assumed that R. Yehuda did not require the storeowner to sit and guard his candle the entire time. However, he did consider raising the candle to be a reasonable request of the storeowner, one that would not discourage the storeowner from fulfilling the mitzvah. To this, the Gemara argues that even the effort of raising the candle may discourage the storeowner from fulfilling the mitzvah.

Based on this analysis, we can explain why Rambam provides a different reason for the Chachamim than the reason provided by the Gemara. Sitting and guarding is a simpler, more

<sup>7</sup> See note 3. R. Lipschitz suggests that according to Rambam, the reason why someone who runs on Friday afternoon is exempt is that he has no other means of protecting himself from causing damage to others. This is one of the rare situations where even the Chachamim exempt one for causing damage through performance of a mitzvah.

basic solution than raising the candle. It not only protects from damage caused by a passing camel, it accounts for other potential accidents as well. The reason why the Gemara didn't discuss this solution is that R. Yehuda never required someone to take such great efforts to avoid a hazard in order to fulfill a mitzvah. Therefore, the Gemara, which is focused on R. Yehuda's opinion, only discusses a solution that involves less effort.

## Lessons We Can Learn from this Discussion

Almost all Rishonim<sup>8</sup> follow the opinion of the Chachamim and *Shulchan Aruch, Choshen Mishpat* 418:12, does as well. There are a number of lessons we can learn from the opinion of the Chachamim, even if we don't plan on lighting our Chanukah lights in the path of load-bearing camels.

- **Don't Compromise Safety and Security for Convenience:** We are often faced with the challenge of deciding whether to choose between safety/security and convenience. People sometimes forgo wearing a bicycle helmet because it is too tight or too hot. People will take the chance of eating a sandwich that is potentially spoiled because it is more convenient than having to make a new one or going out to buy lunch. People will choose "123456" as their password on a website containing sensitive information because it is much more convenient than remembering "cQ!#u8." The Chachamim teach us that when it comes to the security of the property of others, we cannot choose convenience. They were fully aware of the inconvenience of sitting next to a candle every night, and the potential for it to discourage someone from lighting, but they chose security over convenience. If the Chachamim prioritize security over convenience when it comes to damage of property, we should certainly prioritize safety over convenience when it comes to our own lives and the lives of others. We live in a time when we aren't accustomed to using candles on a regular basis and therefore, the potential for accidents as a result of Chanukah lights is greater. When we are asked to choose between remaining home to supervise the candles and leaving to get to a Chanukah party on time, we should consider the opinion of the Chachamim that safety comes before convenience.<sup>9</sup>

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<sup>8</sup> A comment appears in Rabbeinu Yitzchak Alfasi's (Rif) discussion of the laws of Chanukah, *Shabbat* 9b, that halacha follows the opinion of R. Yehuda. R. Yehoshua Boaz ben Shimon Baruch, *Shiltei HaGiborim*, ad loc., doubts that this comment was written by Rif and claims that it was a mistake that was added into later editions. *Shach* 418:5, concurs with *Shiltei HaGiborim*. R. Moshe Sofer, *Shabbat* 21b, claims that Rif's ruling is authentic by explaining that both the Chachamim and R. Yehuda agree that if one damages property while performing a mitzvah, he is exempt. They only disagree when performing part of a mitzvah that isn't required but serves to enhance the mitzvah. According to R. Sofer, the storeowner is not required to light outside because people regularly go into the store and therefore, lighting inside the store would be sufficient. This storeowner wants to enhance the mitzvah by lighting outside and therefore, the Chachamim do not exempt him. R. Yehuda nevertheless, exempts him even when his actions were only performed to enhance the mitzvah. Incidentally, R. Tzvi Elimelech Shapira, *Chiddushei Mahartza* no. 5, suggests that the Mishna singles out the storeowner specifically because it is the only situation where one must light in the public thoroughfare. Ordinarily, one lights at the entrance of one's home, which in Talmudic times was in the courtyard. However, the storeowner's doorway opens directly to the public thoroughfare and he therefore has no choice but to light in the public thoroughfare.

<sup>9</sup> *Shulchan Aruch, Orach Chaim* 672:2, rules that one may extinguish the candles a half hour after the proper time to light. Extinguishing the candles is a safer solution than leaving the candles lit and unattended.

- **Make Sure to Consider Others When Performing a Mitzvah:** Lighting Chanukah lights is a great mitzvah. It publicizes the miracles of Chanukah and in that sense, it constitutes a *kiddush HaShem* (sanctification of God's name). Yet if we asked the next door neighbor of the storeowner—who may not celebrate Chanukah with as much fervor or at all and whose house was just burned down because a load-bearing camel brushed by the candle—if that candle brought him closer to God, he would probably say no. The Chachamim teach us that when we perform mitzvot, we must consider how the mitzvah will affect others. We must take the proper precautions to make sure that our mitzvot are a positive experience (or at least neutral) for others and not a negative one.
- **Observance of Mitzvot Should be a Pleasant Experience:** R. Yehuda was more lenient on the storeowner in order to encourage him to perform the mitzvah. While the Chachamim disagree in the face of preventing damage, they ostensibly agree that when safety does not conflict, we should try to make every effort to make sure that performance of mitzvot is a positive experience and not a burden. When a newcomer comes to shul and is greeted warmly and made to feel welcome, it is more likely that he or she will come back again. However, if this person is ignored and feels out of place, we are discouraging him or her from coming back. If we give the impression to our children that Judaism is a series of burdensome acts, then we are discouraging them from performing mitzvot when they are older. If we make observance of mitzvot pleasant, there is a much greater chance that they will embrace it.



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# *She'asa Nissim: The Beracha on Seeing the Chanukah Lights*

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*Rav Yehuda said: On the first day, one who sees [Chanukah lights] recites two [blessings] and one who lights recites three. On subsequent days, the one who lights recites two and the one who sees recites one.*

**Shabbos 23a**

אמר רב יהודה יום ראשון  
הרואה מברך שתים ומדליק  
מברך שלש מכאן ואילך מדליק  
מברך שתים ורואה מברך אחת.  
שבת כג.

When someone who is not lighting his own Chanukah lights sees the Chanukah lights of someone else, he recites two berachos on the first night, *She'asa Nissim* and *Shehechyanu*, and on subsequent nights, he recites *She'asa Nissim*.

How does one understand the obligation to recite the beracha of *She'asa Nissim* upon seeing the lights of others? Is seeing the lights a fulfillment of the mitzvah of Chanukah lights, thus warranting a beracha? Or is the beracha a *birchas hare'iyah*, a beracha recited upon seeing a specific event, similar to the beracha recited on seeing a rainbow or lightning?

Perhaps one can prove that seeing the Chanukah lights constitutes a fulfillment of the mitzvah from the fact that on the first night, one recites *Shehechyanu*. May one can recite *Shehechyanu* on Chanukah or Purim if one is not fulfilling a mitzvah? The Meiri, *Shabbos* 23a, writes that one may recite *Shehechyanu*, even if one does not see any lights. However, the implication of the *She'iltos* no. 26, is that one may only recite *Shehechyanu* in conjunction with the Chanukah lights. The *Mishnah Berurah* 676:3, also considers the Meiri's idea to be novel and leaves the matter a *tzarich iyun* (requires more investigation). Furthermore, the Meiri himself, *Megillah* 4a, writes that only holidays that have Kiddush, as well as Yom Kippur (which should have Kiddush if not for the prohibition against drinking), warrant recitation of *Shehechyanu* because of their inherent sanctity. Chanukah and Purim do not have an inherent sanctity and therefore, the *Shehechyanu* is only recited on the Chanukah lights or the reading of the Megillah. If one assumes that there is no inherent obligation to recite *Shehechyanu* on Chanukah, why does one who sees the Chanukah lights recite *Shehechyanu*? One must conclude that it is because seeing the lights constitutes a fulfillment of the mitzvah.

Rashi, in explaining the aforementioned Gemara, writes:

*The one who sees recites two [berachos]—She'asa Nissim and Shehechyanu for one cannot recite L'hadlik (to light) because he is not lighting.*

**Rashi, Shabbos 23a**

הרואה מברך שתים - שעשה נסים ושהחיינו שאין עליו לברך להדליק דהא לא אדליק איהו.  
רש"י, שבת כג.

Rav Mordechai Krauss pointed out to me that Rashi's explanation for why one does not recite the beracha of *L'hadlik* seems extraneous. Why would we think that one who sees the lights should recite *L'hadlik*? Rav Krauss noted that perhaps Rashi is teaching us that despite the fact that one fulfills a mitzvah by seeing the Chanukah lights, one does not follow the same text as someone who fulfills the mitzvah through lighting the Chanukah lights. The beracha of *L'hadlik* must be omitted because it would be false to say that one is lighting when one really isn't lighting.

Tosafos write:

*One who sees the Chanukah lights must recite a blessing—Regarding other commandments such as on the lulav or sukkah, the rabbis did not institute a blessing. It is only regarding Chanukah lights because it commemorates a special miracle and also because there are people who don't have a home and don't have a way to fulfill the mitzvah.*

**Tosafos, Sukkah 46a**

הרואה נר של חנוכה צריך לברך - בשאר מצות כגון אלולב וסוכה לא תקינו לברך לרואה אלא גבי נר חנוכה משום חביבות הנס וגם משום שיש כמה בני אדם שאין להם בתים ואין בידם לקיים המצוה.  
תוס' סוכה מו.

The suggestion of Tosafos that a beracha was instituted upon seeing the lights so that people who don't own homes can fulfill the mitzvah implies that by seeing the lights, one can fulfill the mitzvah, at least partially. [See *Tzitz Eliezer* 15:29, who suggests that even if someone is not sleeping in a home (such as someone travelling on a train or camping in the woods), he is still required to light Chanukah lights. Tosafos' comments seem to undermine this position.]

One might also prove that seeing the lights constitutes a (partial) fulfillment of the mitzvah from the opinion of the Ran, *Shabbos* 10a, that if a member of the family lit at home on behalf of an individual, that individual does not recite a beracha upon seeing Chanukah lights. If the beracha upon seeing the lights is a *birkas hare'iyah*, there would be no reason why this individual, who has not yet seen Chanukah lights that night, would not be able to recite the beracha. However, if the beracha is for fulfillment of a mitzvah, this individual already fulfilled his mitzvah when someone lit for him. Therefore, he cannot recite a beracha when he sees someone else's lights. The Rambam, *Hilchos Chanukah* 3:4, (as understood by the *Maggid Mishneh*) disagrees and maintains that even if a family member already lit at home for an individual, that individual may recite a beracha upon seeing the Chanukah lights of someone else. The Rambam must be of the opinion that the beracha recited upon seeing the lights is a *birkas hare'iyah*, and therefore, not associated with one's fulfillment of the mitzvah of lighting Chanukah lights. Even if one already fulfilled the mitzvah, one may still recite a beracha upon seeing the lights for the first time that night. As a matter of practical halacha, the *Mishnah Berurah* 676:6, rules that if family members already lit on behalf of an individual, that individual should not recite a beracha upon seeing

Chanukah lights because of *safek berachos l'hakel* (the rule that one should refrain from reciting a beracha whenever there is a doubt).

I was once asked by someone who was in this situation if there was any way to fulfill the opinion of the Rambam. I considered that a possible solution would be for this individual to listen to the beracha of *She'asa Nissim* that is recited in shul, and through that recitation, he can fulfill his obligation to recite a beracha (according to the Rambam).

However, one can question whether this solution is valid. After all, the lighting of Chanukah lights in shul is not an actual fulfillment of the mitzvah, but rather a *minhag* (tradition). Can one (who does not have a family member lighting on his behalf) recite a beracha upon seeing the Chanukah lights by seeing Chanukah lights in a shul? This question is contingent on the nature of the obligation to recite the beracha. If the beracha is indicative of a fulfillment of the mitzvah of Chanukah lights, then one cannot recite a beracha upon seeing the lights of the shul because in shul, there is no fulfillment of the mitzvah of lighting. If one cannot fulfill the actual mitzvah by lighting in shul, one certainly cannot fulfill the mitzvah of seeing the Chanukah lights by seeing lights that were lit in shul. However if the beracha on seeing the Chanukah lights is a *birkas hare'iyah*, then one could recite the beracha on seeing lights in the shul because the *minhag* to light in shul gives the lights the status of Chanukah lights. A *birkas hare'iyah* can be recited whenever one sees lights that have the status of Chanukah lights.

If one cannot recite the beracha upon seeing the lights in shul, then one cannot fulfill the obligation by listening to the beracha when it is recited in shul. However, based on our analysis, if one's family member lit on his behalf, he can listen to the beracha recited in shul and be assured that he has fulfilled his obligation according to all opinions. This is because any obligation to recite a beracha upon seeing Chanukah lights is to fulfill the Rambam's opinion that the beracha is a *birkas hare'iyah*. If the beracha is on fulfilling the mitzvah, then he has already fulfilled his mitzvah when his family member lit at home on his behalf. At the same time, the only objection to reciting a beracha upon seeing the Chanukah lights in shul is based on the view that the beracha for seeing the lights is based on a fulfillment of the mitzvah. This individual doesn't need to be concerned about that view because he has already fulfilled his mitzvah. Therefore, listening to the beracha in shul seems like the perfect solution.

Nevertheless, there is a technical problem with this solution. Maseches Sofrim 20:6, states that one recites *She'asa Nissim* after lighting the Chanukah lights. However Rama, *Orach Chaim* 676:2, writes that the normative practice is to recite all of the berachos before lighting. Rav Solovetichik analyzed the dispute as follows: According to Maseches Sofrim, the beracha of *She'asa Nissim* (even for one who is lighting) is a *birkas hare'iyah* and therefore must be recited after one sees the lights. According to the Rama, the beracha is a *birkas hamitzvah*, a beracha recited prior to fulfilling a mitzvah. In order to fulfill the approach of Maseches Sofrim, Rav Soloveitchik would recite the beracha of *She'asa Nissim* after lighting the first light but before lighting the rest of the lights. By doing so, he was able to recite a beracha of *She'asa Nissim* after seeing the light and still fulfill the Rama's opinion by reciting the beracha before lighting the other lights. On the first night of Chanukah, this option is not possible, and therefore, Rav

Soloveitchik followed the Rama's opinion and recited all of the berachos before lighting. Rav Soloveitchik also noted that this was the practice of his grandfather, Rav Chaim Soloveitchik.

We see from Rav Soloveitchik's practice that one cannot recite a *birkas hare'iyah* before one sees the item that is the subject of the beracha. Without seeing the Chanukah lights, one cannot fulfill the opinion of Maseches Sofrim. As such, the individual who wants to listen to *She'asa Nissim* in shul will encounter the following problem: Most shuls don't follow the practice of the Rav and they recite all of the berachos before lighting. When this individual hears the beracha being recited, there are no Chanukah lights for him to see. Therefore, if his obligation to recite *She'asa Nissim* is based on it being a *birkas hare'iyah*, he will not fulfill his obligation. The solution of listening to the beracha in shul will only work if one attends a shul that follows the practice of Rav Soloveitchik and recites the beracha after lighting the first light.

In summary, there are two approaches to understanding the beracha that is recited upon seeing the Chanukah lights. One approach is that the beracha is indicative of a fulfillment of a mitzvah when one sees the lights. The other approach is that it is a *birkas hare'iyah*. There are three potential practical differences: whether one whose family member lit on his behalf recites this beracha; whether one can fulfill the mitzvah by listening to its recitation in shul; and whether one must recite (or listen to) the beracha after seeing the light. These three practical ramifications converge in the case of one whose family lit on his behalf and he wants to fulfill all opinions by listening to the beracha that is recited in shul.

# Religious Persecution, Civil War, and Bureaucratic Mischief: A Chanukah Story for the Ages

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The vagaries of the Jewish experience are all manifest in the story of Chanukah. Some, such as religious persecution and factional tensions, are so familiar that we are almost inured to them. Others may make us pause as we ask ourselves: “What is the appropriate degree to which we should embrace secular culture?” Then there are others, which at first glance seem irrelevant or simply tangential, yet upon further consideration can be interpreted as watershed moments. Into this category are the seemingly innocuous or non-targeted bureaucratic decisions that have great potential to wreak havoc on Jewish life and sustainability.

The Syrian Greeks, of course, did not invent anti-Semitism. Besides Pharaoh who enslaved us and Haman who tried to kill us, there was Manetho, an Egyptian priest of the third century BCE, who maintained that the Jews were enemies of mankind and should be annihilated. His retelling of the Exodus story has the Jews not escaping to physical and spiritual freedom but rather as a collection of diseased individuals (lepers, actually), expelled from Egypt in order to preserve the body politic.

Nevertheless, when Antiochus IV specifically outlawed Jewish ritual practices such as *brit milah* (circumcision), Shabbat observance, dietary laws, and the Temple liturgy, he earned the ignominious distinction of being the first ruler in history to implement a religious persecution. Once the Jewish religion itself was targeted (not just the Jewish people), the focal point for Jewish ritual practice—the Temple Mount—became the obvious target. Antiochus and his Jewish supporters enacted a program to eradicate the particular and non-inclusive character of the sacred space. The Syrian Greeks first removed the walls and gates that had separated the Temple Mount from the city, and, in deliberate violation of traditional precepts, planted trees, which transformed the Temple Mount into a Greek-style sacred grove. The final straw occurred on the 15<sup>th</sup> of Kislev 167 BCE when the Jews learned that an “abomination”—most likely a *matzeva* (standing stone)—had been erected near the *mizbeach* (altar).<sup>1</sup> The Temple Mount now resembled an

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<sup>1</sup> “Now on the 15<sup>th</sup> day of Kislev . . . they erected an abomination of desolation upon the altar” (1 *Maccabees* 1:54).

ancient *bamah* (high place) with its trees and open altar. The unmistakable goal was to erase the traditional Jewish boundaries of increasing exclusivity on the Temple Mount and replace them with a modernized cult that would appeal to the cosmopolitan man everywhere.

As is so often the case in Jewish history, this menace of external attack on Judaism was matched by threats posed by internal schisms. In the days before the big three—Sadducees, Pharisees, and Essenes—Jews were already grappling with and arguing over new concepts that arrived with Hellenism such as secularism and universalism. Moreover, the transmission of Hellenistic culture was primarily through the *polis*, the secular city, and its institutions such as the *gymnasium*, where young men were instructed in Hellenistic ideals of body and mind. There they studied Greek literature, poetry, and philosophy while engaging in arduous physical and military training.

In the century after Alexander, Jerusalem's relative isolation—far from the coast and without direct access to major trade routes—meant that the city and its inhabitants were initially not much affected by Hellenism. The Ptolemies in Egypt who ruled over the Land of Israel mostly left the community alone save for the 20 talents of silver that was due each year. Moreover, since Jerusalem was just a provincial city and not a *polis*, it had no *gymnasium*. Inevitably and progressively, though, Jerusalem became more and more familiar with the Greek world so that by the end of the third century BCE, some Jews began to acquire a rudimentary Greek education and give their children Greek names. This was the time of Joseph Tobiad, who as chief tax collector for the Ptolemies has the distinction of being the first Jewish banker.

The main Jewish factions that developed were roughly based on the degree to which Hellenism was embraced. The first group—called Antiochene Jews because Antioch was the Seleucid capital in Syria—represented those who wholly embraced Hellenism and the economic, social, and cultural opportunities it presented. This was a small, yet influential minority, even including some High Priests. A middle group of landowners, merchants, and craftsmen coalesced around the kohanim (priests) who themselves were attracted to Greek ideals, and in some cases had Greek names, but were deeply committed to Torah law, especially regarding the proper observance of Temple ritual. The rest of the people, particularly the lower classes, were steadfastly opposed to Hellenism and became even more scrupulous regarding Torah observance.

As expected, each of these three groups had a separate reaction to the prospect of Jerusalem becoming a *polis*. The Antiochene Jews, who clearly favored the change in status, did what they could to encourage it, and constructed a *gymnasium* near the Beit haMikdash for their sons in anticipation. They even had a name for the new city: Antioch in Judea. The kohanim and their supporters were initially not opposed to this potential change in status, as they recognized that as a *polis*, Jerusalem would probably benefit economically. The traditionalists were totally opposed. However, a change in Jerusalem's status required a number of years, both for administrative approval from the Syrian Greek rulers and for the construction of the necessary civic structures (e.g., agora, acropolis, and theater). In the meantime, the Torah remained the law of the land.

These factional divisions and their viewpoints were not static, particularly as the Hellenizers strayed more and more from Jewish tradition. The appointment of Menelaus as kohen gadol scandalized the majority of Jews because he was not of the proper lineage (i.e., descendent of

Zadok). According to the book of *Maccabees*, he was not even a kohen,<sup>2</sup> although the first century CE Jewish historian Josephus says he was.<sup>3</sup> An attempted coup to overthrow Menelaus—whom Antiochus IV himself had appointed kohen gadol after the requisite bribe—led to harsh measures by Antiochus IV. He violated the Temple itself and plundered its treasures. In the face of continued unrest, he rejected the bid for *polis*, demolished part of the city wall, and erected a new fortress overlooking the Temple Mount called the Akra, which served as headquarters for Syrian Greek soldiers and their most loyal Jewish followers. The location of the Akra is debated, although there is a growing consensus that it stood in the area of the present al-Aqsa Mosque.

There is no question that religious persecution and internecine struggle critically contributed to the mounting tensions and combustible situation in Jerusalem right before the Maccabean revolt. Yet there remains one more factor that is generally overlooked: a paradigmatic shift in administrative policy.<sup>4</sup> This ultimately may have been the catalyst for revolt as it was certainly the factor that posed the most existential danger to the Jewish people both in Jerusalem and the Diaspora.

To understand the administrative change that Antiochus IV attempted to enact and its potential consequences, we have to remember that when the Babylonians destroyed the First Temple and conquered Judah, the Jews lost not only political independence but religious independence as well. The Babylonians assumed that without the Temple in Jerusalem, the Jews would do what all other conquered peoples did and adopt the religious beliefs and practices of their new home. For a certain segment of the population, that may indeed have been the case, but there was a sizeable portion of Jews who managed to stay true to their faith and nation during the 50 years of Babylonian sovereignty. The maintenance of this distinct Jewish identity is attested to not only by Biblical sources but also by Babylonian ones.<sup>5</sup> How this was achieved is beyond the scope of this essay, yet it must be acknowledged that survival of a religious group in exile was unprecedented at that time.

With the dawn of the Persian Empire, however, the situation for the Jews improved markedly. The most notable change, of course, was the reversal in policy toward the exiles, which allowed them to return to Jerusalem and rebuild the Beit haMikdash. This official policy is recorded both in the Edict of Cyrus and in the book of Ezra (1:3). A second, equally profound development occurred in the granting of religious autonomy to the Jews despite their lack of political autonomy. Basically, the Persians made an agreement: in exchange for submission to imperial rule and the paying of taxes, the Jews would retain local rights and practices. This approach reflects a certain pragmatism and was not so unusual in the ancient world. However, the deal with the Persians went further in making explicit that those local rights and practices were to be adjudicated by Ezra and his official appointees (judges). The new paradigm provided both autonomy and authority for an increasingly vigorous cadre of halachic interpreters. Thus, Persian law stipulated that Jews were subject to Jewish law, and, consequently, any violation of

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<sup>2</sup> According to 2 *Maccabees* (3:4; 4:23), Menelaus was of the tribe of Benjamin.

<sup>3</sup> *Antiquities* VII:5

<sup>4</sup> For more on this approach, see “Re-examining Hanukkah” by John Ma in [marginalia.lareviewofbooks.org](http://marginalia.lareviewofbooks.org).

<sup>5</sup> See for example the recently discovered cuneiform tablets from the ancient site of Al-Yahudu (“City of Judaeans”), about 60 miles southwest of Baghdad.

Jewish law by a Jew was a violation of Persian law. Whether or not this paradigm was good for the individual Jew can be debated, but it was certainly good for the Jewish community. This new administrative precedent was so beneficial that it actually lasted until emancipation.

Thus, for nearly two centuries before Antiochus IV, the Jews had lived under a foreign political power—both in the Land of Israel and in the Diaspora—that had left them completely free to run their own spiritual, religious, and communal affairs. Even after the fall of the Persian Empire, the Ptolemaic and Seleucid rulers affirmed this practice. In fact, Jewish scribes were usually called upon to help draw up the special charters, as was the case when the Seleucids first conquered the Levant. In the Charter of 200 BCE, Antiochus III (father of Antiochus IV) stipulated that the Torah would remain the law of the land, affirmed the exclusiveness of the Beit haMikdash, and appointed the kohen Simon as *ethnarch*, or head of the Jewish community. Despite Jewish infighting and Syrian disdain for Jewish particularism, religious autonomy prevailed.

In 170 BCE, the Jews staged an internal coup by replacing the Syrian-appointed kohen gadol Menelaus with the more popularly supported Jason. Antiochus perceived this as an act of rebellion and decided to punish the Jews by revoking the Charter of 200. This immediately caused more religious persecution and a final schismatic break with the Antiochene Jews; yet the real damage was to be found in the loss of community integrity and self-determination on a non-political level. The Jews had learned to survive without political autonomy and there were even some who believed that it was better to forgo it. However, it was impossible to conceive how the Jewish people could survive intact subject to imperial laws that were in direct conflict with their own laws. The revocation of the Charter of 200 left no choice but for mainstream Jews in Judaea to rebel, not only to overturn this particular decree but also to reestablish the precedent of religious autonomy for all Jews.

As we know, the story of the uprising ends well. The majority of the Jews united together to fight for religious freedom and succeeded even in becoming free of pagan control altogether. The symbol of the Greeks and their staunchest Jewish supporters, the Akra, was destroyed, while the Jews who were inside were given the opportunity to rejoin the Jewish community now under Hasmonean control. For a brief moment, the Jewish people achieved a unity and commonality of purpose that arose by confronting an insidious attack on our peoplehood, which couched itself as a simple bureaucratic measure.

Today, with blatant anti-Semitism frowned upon in the West, the assaults on our community both as a religion and a people increasingly come from bureaucratic maneuvers. Their subtlety varies from the overt UN Resolution that “Zionism is Racism” to the seemingly more benign manifestos on Human Rights—who can argue against Human Rights?—that are somehow systematically applied to only one country in the world: Israel. Individual rights are also behind the movement to ban *brit milah*, as was the attempt in San Francisco a few years ago. And, of course, animals also have rights, as activists argue in Europe as they try to prohibit *shechita*, or kosher slaughter, in the name of animal welfare. These are just a few examples to illustrate that our need to recognize and confront bureaucratic assaults on our national integrity and religious freedom is just as pertinent today as it was over 2,000 years ago.

# The Experience of Chanukah

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When most people think about experiential Jewish education (also referred to in some settings as “informal” Jewish education), they typically think about youth movements, camp, Israel trips and other immersive experiences all classically thought of as the Jewish education that happens “outside of the classroom.” In the YU Certificate Program in Experiential Jewish Education (EJE), we define experiential Jewish education as: “The deliberate infusion of Jewish values and content into engaging and memorable experiences that impact the formation of Jewish identity.” To that end, experiential Jewish education must be content and value-driven, guiding learners toward possible outcomes, and must be delivered through experiences that enable learners to authentically experience, reflect, conceptualize, and experiment with what they have learned. In other words, EJE must allow for self-exploration, whether the experience takes place outside *or* inside the classroom.

We are fortunate in Judaism that our rituals, traditions, history, and calendar are ripe with moments and opportunities for creating and facilitating these types of learning experiences. We are also privileged that we as educators have at our fingertips a rich reservoir of sources, material and content to work with in order to help our learners have positive Jewish educational experiences. In addition to having these experiences for experiences’ sake, though, it is one of our primary goals as educators to use these experiences to help impact the formation of our learners’ Jewish identities through various methodologies. This article will demonstrate several ways in which we can use Chanukah as a platform to impact our learners’ Jewish identities using some of these tools including:

1. Building in reflection
2. Introducing conflict
3. Sensory education
4. Driving content with values

Chanukah presents us with a perfect opportunity for experiential education that impacts identity formation. At the heart of Chanukah is the idea or actually the law of “*pirsumei nissa*” or publicizing the miracle of Chanukah:

*For this reason, (the miracle of Chanukah) the rabbis of that generation instituted that these eight days, which begin on the night of the 25<sup>th</sup> of Kislev, are days of happiness and praise and the candles are lit each night of the eight days at the entrance of the doorways in order to display and reveal the miracle.*

**Rambam, Hilchos Chanukah 3:3**

ומפני זה התקינו חכמים שבאותו הדור שיהיו שמונת הימים האלו שתחלתן מליל חמשה ועשרים בכסלו ימי שמחה והלל ומדליקין בהן הנרות בערב על פתחי הבתים בכל לילה ולילה משמונת הלילות להראות ולגלות הנס. רמב"ם, הלכות חנוכה ג:ג

We learn here that the establishment of having the “days of happiness and praise” was to not only celebrate and give our gratitude to Hashem for the miracle of the eight days of the menorah being lit in the Temple but also to “display and reveal the miracle,” presumably to others—i.e. to make a public display. This law has deep implications for the impact on one’s Jewish identity for according to this, it is not enough that we light the menorah in our own homes, but that also we make it public.

We find this cited explicitly in at least three places:

1. The *Shulchan Aruch*, when codifying the laws of Chanukah, tells us that the ideal time for lighting candles is the time when people are still coming home from the marketplace (i.e. that there are still a lot of people out in public walking around):

*One may not light the Chanukah candles before sundown, but rather with the end of sundown. One should not light earlier or later. There is an opinion that if one is busy, one may light as early as plag hamincha (approximately the last tenth of the day) as long as one places in the candles enough oil to last until traffic ceases in the marketplace.*

**Shulchan Aruch, Orach Chaim 672:1**

אין מדליקין נר חנוכה קודם שתשקע החמה אלא עם סוף שקיעתה לא מאחרים ולא מקדימים. ויש מי שאומר שאם הוא טרוד יכול להקדים מפלג המנחה ולמעלה ובלבד שיתן בה שמן עד שתכלה רגל מן השוק.  
**שלחן ערוך, אורח חיים תרעב:א**

2. The Gemara in *Shabbos* 21b, talks about the mitzvah of not only lighting in public, but of actually lighting outside of one’s home:

*Our rabbis taught: the mitzvah involves placing it at the door of one’s home on the outside. If one lives in an attic, one should light in the window closest to the public thoroughfare and in times of danger, it is sufficient to light on one’s table.*

ת"ר נר חנוכה מצוה להניחה על פתח ביתו מבחוץ אם היה דר בעלייה מניחה בחלון הסמוכה לרה"ר ובשעת הסכנה מניחה על שלחנו ודיו.

Rashi, s.v. "*Mebachutz*," explicitly says this is because of *pirsumei nissa*, and this is subsequently cited by *Mishna Berura* 671:21.

3. The Gemara in *Shabbos* also explains that there is a minimum and maximum height requirement and Rashi explains that anything higher than 20 amos wouldn't be recognizable (presumably as a chanukiah) and would thus lose the point of *pirsumei nissa*, which would invalidate the lighting:

*If a Chanukah candle was placed above twenty amos it is invalid.*

**Gemara, Shabbos 22a**

*It is invalid—Because people don’t look above twenty amos and the miracle is not publicized.*

**Rashi, Shabbos 22a**

נר של חנוכה שהניחה למעלה מעשרים אמה פסולה.  
**שבת כב.**

פסולה - דלא שלטא בה עינא למעלה מעשרים אמה, וליכא פרסומי ניסא.  
**רש"י, שבת כב.**

These sources teach us that we have to light our candles at an hour when many people are outside and bustling about, that we should light them in a public place—actually outside—and that we must adhere to a specific placement of the candles so as to make sure that people know exactly what it is and what it represents.

By adhering to these halachos, we are letting it be known to anyone who passes by our home that not only do we celebrate Chanukah, but that we are Jewish. We are commanded—for at least these eight nights—to make it publicly known that we are Jewish to as broad an audience as possible.

For most Orthodox children who presumably live in neighborhoods and communities that are predominantly Jewish and often likely Orthodox, this can be an exciting opportunity for them to display their Judaism. They can openly express all that it represents on Chanukah, such as our triumph over the Greeks and our reclamation of the Beis HaMikdash, in a very public way; it is an opportunity for them—through displaying their chanukiot in a window or in Israel, literally outside—to declare to the world: “I am Jewish and I am proud to be Jewish.”

This public display of Jewish identity that springs from the centrality of *pirsumei nissa*, to the celebration and fulfillment of the ritual laws of Chanukah, is only the first step of the experience for our learners. [Learner can also refer to children learning from their parents as the home plays a major role in a child’s educational development.] In experiential Jewish education, we want to make sure that our learners not only experience something powerful, but also to reflect on their experience in order to contemplate it in a new light. To that end, we should encourage our learners, upon lighting their chanukiot in a public place, to reflect on this experience by asking them to stop and answer: “How did you feel when lighting your chanukiah? How do you feel when someone walks by your home and sees your chanukiah lit in your window?” Hopefully their answers will be positive: “proud, happy, excited to be Jewish, etc...”

In order to help them consider what it might be like to have a different experience of Chanukah than their own, you could then introduce a conflict (a tool that we use often in EJE). Ask them to consider what it might be like for Jews who live in places where displaying Jewish identity (through acts such as lighting a chanukiah in a public place, wearing a kippa and/or tzitzis, or having a mezuzah on your door) is not safe or is even dangerous. Modern examples of this include Jews living in anti-Semitic places in France or other parts of Europe and Jews who lived under Communist regimes in the former Soviet Union, where Jewish identity was so stifled that entire generations of Jews were not told they were Jewish until after Communism fell, for fear that they would be killed if anyone knew.

These examples paint a very different picture of what Jewish identity can look like depending on something so simple as where you live, and could also affect how you are able to fulfill your ritual obligation on Chanukah of *pirsumei nissa*. What happens if one lives in a place where *pirsumei nissa* could endanger one’s life? As we saw earlier, the Gemara teaches us that if your life is in danger, then you can and should light inside.

In fact, it is the experiences of those Jews who could not light outside or in public out of fear and danger for their lives who have impacted our current day *pirsumei nissa* customs. This is the reason why most Jews today (with the exception of those living in Israel) light inside, even in places that are considered “safe” for Jews—such as most places in the United States. Jewish authorities who lived in safe places have wondered why the practice has not reverted back to lighting outside. R. Yitzchak of Vienna (c. 1180-1250) states:

*Nowadays, when there is no danger, I am not sure why we don't light in*

והאידנא דליכא סכנה לא  
ידענא מאי טעמא אין אנו

Even though the halacha adapted its standard of *pirsumei nissa* for those living in extenuating circumstances, and in fact most Jews today continue to light inside, I would ask, “How does having to light inside and perhaps away from a window or public space affect one’s Jewish identity?” Would it make someone feel as if he or she has not fully celebrated Chanukah or fulfilled his obligations? Could it have a negative impact on the formation of that person’s Jewish identity? These questions can help use Chanukah as an opportunity for learners to explore important questions around Jewish identity—both theirs and that of their peers (who they might never meet or know) who live in other places around the world and who must celebrate Chanukah in a very different way from them. Asking your learners to think about Jewish identity from a different perspective will enable them to understand and appreciate their own experience in a deeper and more nuanced way.

In addition to using a conflict and reflection to help learners have a deeper engagement with content, another methodology used in experiential Jewish education emphasizes the use of sensory education in creating experiences (enhancing or reducing the use of the five senses: smell, taste, touch, sound, and sight). The rituals that we have developed as a community to celebrate Chanukah incorporate several elements of sensory education in a very distinctive way: we enhance taste by eating certain foods that specifically taste like oil (potato latkes and *sufganiyot*); we reduce our sight by lighting our chanukiot in the dark (at night or turning off the lights if lighting inside) so that our eyes can focus on the burning of the oil and on the light that was lit in the Beis HaMikdash (literally, and that took us from the darkness of our oppression to the light of our freedom, metaphorically); and we enhance sound by singing loudly the songs of Chanukah such as *Maoz Tzur* and *Al Hanissim*, and by singing *Hallel* each day.

Finally, a fourth way in which Chanukah presents opportunities for experiential Jewish education is through the values that we strive to impart through this chag. First, we emphasize the value of gratitude—most explicitly we give gratitude to Hashem for giving us the miracle of defeating the Greeks and helping us to restore the Temple by having the oil last for eight nights. We explicitly demonstrate this gratitude through *pirsumei nissa* (lighting our chanukiot in the right place and at the right time), in addition to reciting *Hallel*, reading Torah each day, and reciting *Al Hanissim*. A second value that we strive to impart is that of giving *tzedakah*, which we demonstrate by giving out Chanukah *gelt* which we then might encourage our children or learners to donate a portion to a charity of their choice or to those in the community who cannot afford to buy their own Chanukah lights, chanukiot, etc.

As we can see, Chanukah is rife with opportunities for us to create meaningful educational experiences that can help our learners to explore their Jewish identities through a multi-sensory and content-driven approach. It is the responsibility of educators and parents to seize these opportunities and truly bring the values of Chanukah to light.

I would like to express tremendous hakaras hatov to my brother-in-law, Jonah Mermelstein (YC '13), for his help in locating potential mekoros for this piece.



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