

MITZVAT HANUKKAH (I)

by Rabbi Yitzchak Etshalom

[As we have done in previous years, we will "take a break" from analyzing the weekly Parashah, preferring to investigate some of the Halakhic nuances of Ner Hanukkah and some of the implications of this Mitzvah. This week we will review and analyze the central Sugya in Massechet Shabbat which details the hierarchy of levels of performance of the Mitzvah. Next week's issue will be devoted to a wonderful "depth-analysis" of this Sugya by Rav Avraham Yitzchak haKohen Kook zt"l.]

I

MITZVAT NER HANUKKAH:

THE BARAITA

As is commonly known, the entire discussion relating to the Rabbinic formulation of the commemoration of the Hasmonean victory over the Hellenists and Seleucids in 165-163 BCE is found in BT Shabbat 21-24. (Why Hanukkah claims no Massechet for itself is an intriguing topic - but beyond the scope of discussion here.) Amid the Halakhic discussion of proper and improper wicks and fuels for Shabbat candles, the parallel investigation relating to fit materials for Hanukkah candles is introduced. This topic opens the door for the full analysis of Hilkhos Hanukkah, including how many lights to kindle, where and when they are lit, who is obligated etc., covering all relevant Halakhic parameters.

Near the beginning of that discussion, we are presented with a Baraita (although there are those who maintain it to be of later Babylonian provenance; a topic beyond the scope of this shiur) which teaches that there are multiple levels of fulfilling the Mitzvah of Ner Hanukkah:

Our Rabbis taught: The Mitzvah of Hanukkah is:

- 1) one *Ner* for a man and his household;
- 2) the *M'hadrin* (zealous - those who wish to beautify and enhance the Mitzvah) [kindle] a light for each member [of the household];

3) and the *M'hadrin min haM'hadrin*:

- a) Beit Shammai maintain: On the first day eight lights are lit and thereafter they are gradually reduced;
- b) but Beit Hillel say: On the first day one is lit and thereafter they are progressively increased.

(BT Shabbat 21b)

The simplest way of understanding this sugya is the way it was outlined above: There is a basic, bare-bones way of fulfilling this Mitzvah; there is a more enhanced way of performing it, identified with the practice of the *M'hadrin* - and there is the finest, most beautiful style, that associated with the M'hadrin min haM'hadrin. In other words, if someone chooses to fulfill the Mitzvah of Ner Hanukkah in the finest way possible, he will build on to the basic Mitzvah of one candle per household per night, by placing a candle for each member of the household and by increasing this number of candles each night (as in Beit Hillel's scheme), until the final night will be illuminated by 8 candles times the amount of the people in the house, as Rambam rules (MT Hanukkah 4:1-2)

In last year's shiur, we analyzed the two basic approaches to understanding the practice of the Mehadrin min haMehadrin - those generally associated with Rambam (as above) and the Ba'alei haTosafot (who maintain that regardless of how many members of the household are being included in the Mitzvah, only one candle is lit the first night, two on the second etc. Essentially, they reject the hierarchical structure of Mehadrin - Mehadrin min haMehadrin, preferring to see the two as alternatives to the basic Mitzvah). Interested readers are referred to that shiur.

This year, I would like to look into the "bare facts" of the sugya itself and raise several questions. In order to present these questions, we need to see the Gemara's assessment of the Baraita's last clause (the dispute between Beit Shammai and Beit Hillel):

'Ulla said: In the West [Eretz Yisra'el] two Amoraim, R. Yossi b. Avin and R. Yossi b. Z'vida, differ therein:

One maintains: The reason of Beit Shammai is that it shall correspond to the days still to come, and that of Beit Hillel is that it shall correspond to the days that are gone;

The other maintains: Beit Shammai's reason is that it shall correspond to *Parei haHag* (the bullocks of the Festival. The Torah, in Bamidbar 29, commands us to bring a sequence of offerings on Sukkot wherein the number of bulls offered each day grows increasingly smaller, such that on the first day 13 are brought, on the second 12, etc. and on the seventh day, 7 are brought. We will revisit this further on.); whilst Beit Hillel's reason is *Ma'alin baKodesh v'ein Moridin* (we promote in [matters of]

sanctity but do not reduce).

[note that Ulla is unsure as to which Amora authored which approach; this is likely due to their sharing the first name "Yossi", thus generating some confusion as to authorship.]

Rabbah b. Bar Hana said: There were two old men in Zeidan (a town near Tiberias): one did as Beit Shammai and the other as Beit Hillel: the former gave the reason of his action that it should correspond to *Parei haHag*, while the latter stated his reason because *Ma'alin baKodesh...*

II

THE QUESTIONS

A: NER ISH UVEITO

When we look at this Baraita, we are immediately struck by an anomaly in the presentation of the Mitzvah:

Ner Ish uVeito - One Ner per household.

Most of the Mitzvot by which we are obligated devolve upon the individual - be it T'fillin, Lulav, Birkat haMazon - or Lashon haRa, Basar b'Halav etc. [There are, of course, both individuals and classes which are exempt from these - some are exempt as a matter of principle and others as a matter of circumstance.]

Of those which don't directly obligate the individual, the rest generally fall upon the community (e.g. the establishment of a Beit-Din, K'riat haTorah [according to some Poskim] some aspects of Tzedakah) or on the nation as a whole - such as appointing a King, fighting certain wars and building the Beit HaMikdash (along with the many communal offerings brought there).

We don't, as a rule, have Mitzvot which are "family" commandments. Our first question, then:

1) Why is the "basic" Mitzvah of Ner Hanukkah formulated just that way: Ner Ish uVeito?

B: MEHADRIN

The second "level" of performance is attributed to those who wish to beautify the Mitzvah - known

as "Mehadrin". We are familiar with the notion of Hiddur Mitzvah as a general rule which encourages us to enhance objects used for Mitzvot (Hefza shel Mitzvah). This principle is first expressed in the Midrash on the verse: Zeh E-li v'Anveihu (Sh'mot 15:3):

Zeh E-li v'Anveihu (literally "I will make a dwelling place for Him"; here interpreted - homiletically - as) "I will adorn Him" - [i.e.,] adorn thyself before Him in [the fulfillment of] precepts. [Thus:] make a beautiful Sukkah in His honour, a beautiful Lulav, a beautiful Shofar, beautiful Tzitzit, and a beautiful Sefer Torah, and write it with fine ink, a fine reed [-pen], and a skilled penman, and wrap it about with beautiful silks. (BT Shabbat 133b)

Note that this Midrash does not delineate how one should beautify the Mitzvah - the specifics of what constitutes a more beautiful Sukkah, Lulav, Sefer Torah etc. are pretty much left up to the individual's aesthetic sense.

Regarding the performance of Hiddur Mitzvah, the Gemara clearly rules that there is a financial limit to spending for such an ideal:

R. Zera said on behalf of R. Huna: For [the performance of] a Mitzvah one should go up to a third. A third of what? You could hardly suggest 'a third of one's possessions,' for if so when one chanced to have three Mitzvot [to perform at one and the same time] would one have to give up the whole of one's possessions? - R. Zera therefore said: For [performing a Mitzvah in] an exemplary manner (Hiddur Mitzvah) one should go up to a third of [the ordinary expense involved in] the observance thereof. (BT Bava Kama 9)

We now have two further questions on this passage:

2) Why is the "Hiddur Mitzvah" of Ner Hanukkah specified and detailed with the exactitude we normally associate with the demands of the Halakhah - unlike other Mitzvot where the "Hiddur" is left unspecified? (The Baraita could have just noted that there are those who have the custom of beautifying this Mitzvah - without specifying how it is done.)

3) Why does the Halakhah ignore the "one-third spending cap" on Hiddur Mitzvah here? Even if there is only one other member of the household, the "Mehadrin" immediately increase their spending for this Mitzvah by 100%? (This is especially egregious in light of the first opinion of the Shulhan Arukh [OC 656:1] which limits the obligation to spend anything extra to a narrow class of cases).

C: MEHADRIN MIN HAMEHADRIN

1.The premise:

The ultimate level of performance brings us to a dispute between those two great 1st century schools - Beit Shammai and Beit Hillel. Before analyzing their dispute, it is prudent to note the point of departure - they agree that the ideal method of performing this Mitzvah is to alter the number of candles lit in a fashion which follows a consistent sequence. They only disagree about the "direction" of that sequence - should it ascend or descend?

Right away, we have identified a fourth difficulty here:

4) Why is the ideal form of Nerot Hanukkah one of changing (ascending or descending) the number of candles lit, following a consistent sequence for all 8 days?

2. Beit Shammai v. Beit Hillel:

In assessing the merits of each side of this dispute - before looking at the various explanation presented by the Gemara (in other words, on the terms of the Baraita as it stands), Beit Hillel's position seems so much more reasonable that it would be difficult to understand Beit Shammai's approach. This is, of course, a debatable point, since one could argue that eighteen centuries of codified practice make Beit Hillel's position so normative that the "odd" practice advocated by Beit Shammai seems just that. Nonetheless, I believe that an a priori argument against Beit Shammai's formula could be marshaled within the context of the Baraita itself:

Since the point of departure for Beit Hillel and Beit Shammai is Hiddur Mitzvah (and identifying the most intense expression of that ideal), a "diminishing" Mitzvah seems to be out-of-place. To wit, I could understand suggesting that the basic obligation of a Mitzvah should be in diminishing form - that may be recommended by the conceptual foundations of the Mitzvah in question. To suggest, however, that the Mitzvah is beautified by its dissipation is counter-intuitive and hard to fathom.

To add to the difficulty of Beit Shammai's position, note that the previous clause, which advocated the basic Hiddur (an oxymoron), suggested that it is accomplished specifically with more candles - one per person as opposed to one per house. Beit Shammai's "diminishing lights" can hardly be seen as the next step in the Hiddur of this Mitzvah.

We will not present this as an independent question, as the various explanations given by the Gemara serve to assuage these concerns - but note the concerns, nonetheless.

3. The two explanations:

Once we move "beyond the Baraita", to the explanation of the dispute between Beit Hillel and Beit Shammai, we find a few more difficulties.

The first approach, which posits Beit Shammai and Beit Hillel as disputing which type of publicity we want to express (how many days to go or how many days have passed) seems reasonable; it places Beit Hillel and Beit Shammai on common ground, with a slight variation in approach. Both schools agree that the most beautiful expression of the Mitzvah includes some form of external information which publicizes the extent of the miracle. The only point of contention is whether the length of the holiday is best publicized by notifying how many days have passed or how many days are left.

The second approach, however, is difficult to understand. The unusual [descending] order of Parei haHag (the bulls offered on Sukkot) doesn't seem to share much with the principle of Ma'alin baKodesh (we ascend in matters of sanctity). In other words, unlike the first explanation of the dispute, these two models don't begin from a common principle or area of law. There seems to be no common ground between Beit Shammai and Beit Hillel - which is odd, as noted above, considering that they share much common ground on the basic mechanics of Mehadrin min haMehadrin.

Our next question is, therefore:5) What is the rationale behind the second Amoraic opinion about this dispute?

4. The two elders:

The final point made in the Gemara seems somewhat superfluous and unnecessary. Once we have presented two approaches to the dispute, what is added by noting that two elders in Zeidan - operating before Beit Hillel's opinion was determined to be normative - provided explanations for their behavior which jibed with the second approach? After all, the difference in approaches does nothing to determine the practical Halakhah - and once we have learned of the two possible approaches to understanding the dispute, this confirmation is pretty useless. If the elders in Sidon practiced according to Beit Hillel, that would be a report that carried practical significance - but merely restating the second approach doesn't enhance our appreciation of the original dispute one whit...or does it?

Our final question is:

6) What new information, if any, is provided by the report of the two Zeidanese elders?

III

REEVALUATING THE CELEBRATION

The questions raised above are premised on two points - conventionally held but by no means necessary - relating to the celebration of Hanukkah.

We are accustomed to reading normative statements in the Gemara - especially in the codified form of Mishnah/Baraita - as legislated enactments. When we read the Gemara further on which stipulates which B'rakhot are said when lighting Nerot Hanukkah, we read that (correctly) as a reflection of Rabbinic legislation.

That is not always the case, however - and we must read the text of the Mishnah/Baraita (or Gemara) sensitively to understand the underpinnings of the practice presented therein. More on this further on.

There is one "local" issue relating to Hanukkah which must be addressed at this point. Conventional wisdom maintains that we are celebrating the "miracle of the cruse of oil", recounted in BT Shabbat 21b: What is [the reason of] Hanukkah? For our Rabbis taught: On the twenty-fifth of Kislev [commence] the days of Hanukkah, which are eight... For when the Greeks entered the Temple, they defiled all the oils therein, and when the Hasmonean dynasty prevailed against and defeated them, they made search and found only one cruse of oil which lay with the seal of the High Priest, but which contained sufficient for one day's lighting only; yet a miracle was wrought therein and they lit [the lamp] therewith for eight days. The following year these [days] were appointed a Festival with [the recital of] Hallel and thanksgiving.

This is commonly understood to be the flagship statement which establishes the rationale for the holiday - and places the "miracle of the cruse of oil" at its center. This understanding led the Beit Yosef (OC 670 s.v. v'haTa'am) to ask the famous question - since there was enough oil for one day and it burned for eight days, there are only seven "miracle" days. Why then do we celebrate for eight days?

So many responses have been given to this question (e.g. one day is a celebration of the military victory; they originally divided the oil into eighths) that a compilation of answers, titled *Ner Ish uVeito* was recently published in book form.

The question itself is premised on a questionable read of this passage and a debatable understanding of the celebration.

Besides the many alternate presentations of the holiday in relatively early sources which ignore the "miracle of the cruse of oil" (e.g. the Book of Maccabees - see further on) or relegate it to a secondary role (e.g. Rambam MT Hanukkah 3:1) the passage itself may be understood differently.

The text does not read "on account of this they established a holiday", rather it retells the story of the Hasmonean victory and the miracle of the oil - and the holiday. A simple read of this text leaves us with the impression that the celebration was established to commemorate the victory - and the "miracle of the cruse of oil" served a secondary purpose in that establishment. This is not only a viable read of the passage - it is also the most reasonable way to understand the celebration itself.

Let's consider: If everything that otherwise took place, such as the great military victory, the purification of the Beit haMikdash and the restoration of Jewish sovereignty to Eretz Yisra'el, had happened without benefit of the miracle of the oil, would we have reason to celebrate and establish a holiday? Certainly - we have Purim as a model for a celebration of a Jewish victory without apparent or obvious miracles.

On the other hand, if none of the other salvations had occurred - if the Greeks had not been ejected from the Mikdash, if their terrible decrees were not rescinded (by force) and if their sovereignty was not usurped - but a hardy band of zealots snuck into the Beit HaMikdash and miraculously lit the Menorah for eight days with one day's worth of oil - would there be any reason for a holiday? Certainly not.

We must conclude that the role of the miracle was not to be a *raison d'etre* for the holiday - rather as an indicator of Divine support/approval for the war of the Hashmonaim. (See Arukh haShulhan 670:5).

That being the case, we can re-assess Beit Yosef's question and ask it a bit differently. Considering that Hanukkah is a celebration of the restoration of Jewish sovereignty, the purification of the Mikdash and the liberation from Greek religious oppression, why do we celebrate for eight days?

We will return to this point a bit further down - but first, let's revisit the first (questionable) premise noted above: That this Baraita is read as a series of legislated steps in the celebration of Hanukkah.

Note the language of the Baraita: The Mitzvah of Hanukkah is *Ner Ish uVeito* - the Mehadrin light one per person etc. The various steps are not presented as legislated "levels of performance"; rather as customs practiced by different groups. Those who went to the utmost degree in beautifying the Mitzvah had two different ways of fulfilling this "performance level" - reflected in the two approaches suggested by Beit Shammai and Beit Hillel.

We already have the information needed to answer the second and third questions...but we'll hold off until we've established the necessary premises to complete the thesis.

IV

THE CELEBRATION:

DEDICATION OF THE SECOND MIKDASH

Although by the time of the Hasmonean wars, the Beit haMikdash had been standing for over 350 years (since its rebuilding in 516 BCE), there was a critical component missing there. The original construction of the Beit HaMikdash and its idealized form were always associated with the Jewish sovereign (see, inter alia, II Sh'muel 7:1-2). Even in the description of the destruction of the first Mikdash, the text tells us that N'vu-chadnezzar:

...burned the house of Hashem, and the king's house...(II M'lakhim 25:9)

When the B'nei Yehudah returned to "Yehud M'dinta" under the patronage of Koresh (538 BCE), they were allowed to build the Mikdash - but it was always dependent on the beneficence of the Persian rulers. For that reason, the building was soon halted - and did not recommence for nearly twenty years until the second year of Daryavesh. (see Ezra 4:1-5:2)

In a very real sense, the second Mikdash lacked a core component - and that rendered it "second rate" (see Haggai, 2:3; Ezra 3:12).

From Persian domination, Yerushalayim passed to Greek control (332 BCE); at no time was Judea independent. It was only with the wondrous and miraculous victory of the Hashmona'im that Israelite sovereignty was restored to Judea - thus completing that critical constituent of the Kedushat haMikdash.

This report from I Maccabees confirms this understanding of the celebration:

Then they took unhewn stones, as the law directs, and built a new altar like the former one. They also rebuilt the sanctuary and the interior of the temple, and consecrated the courts. They made new holy vessels, and brought the lampstand, the altar of incense, and the table into the temple. Then they offered incense on the altar and lit the lamps on the lampstand, and these gave light in the temple. They placed the bread on the table and hung up the curtains. Thus they finished all the work they had undertaken. Early in the morning on the twenty-fifth day of the ninth month, which is the month of Kislev, in the one hundred forty-eighth year, they rose and offered sacrifice, as the law directs, on the new altar of burnt offering that they had built. At the very season and on the very day that the Gentiles had profaned it, it was dedicated with songs and harps and lutes and cymbals. All the people fell on their faces and worshiped and blessed Heaven, who had prospered them. So they celebrated the dedication of the altar for eight days, and joyfully offered burnt offerings; they

offered a sacrifice of well-being and a thanksgiving offering.(I Maccabees 4:47-56)

V

NOW...TO THE QUESTIONS

Understanding that the celebration of Hanukkah is focused on the rededication of the Beit haMikdash - a process which began 350 years earlier and was only now completed - allows us to revisit our questions and respond.

1) Why is the fundamental form of performance Ner Ish uVeito? Since we are celebrating the Beit haMikdash, the most basic method whereby each Jew can commemorate this is by recognizing the Mikdash M'at (mini-Mikdash) which is his house (see Ramban's comments at Bamidbar 8:2). This is not a celebration which fundamentally devolves upon the individual since it is not individual salvation which is being commemorated - rather the restoration of the seat of Jewish sanctity combined with Jewish sovereignty in that place. Note that the language - Ish uVeito (a man and his household) - implies a measure of sovereignty.

2) Why is the Hiddur Mitzvah delineated here?

3) Why is the Hiddur Mitzvah not limited by the financial "cap" of one-third?

As mentioned above, the Mehadrin were not following legislation as much as expressing their own (more intense) way of celebration. Why did they choose to celebrate this way?

Much as the home may serve as the Mikdash M'at, the individual who is moved to attach himself to this celebration would want to have his own persona identified with the Mikdash. He would not be satisfied with a "family representation". Hence, the Mehadrin would ensure that there be one Ner per person.

4) Why is the ideal form of performance built on ascending or descending sequence? The Beit haMikdash is the focus of all of our spiritual yearning and the ideal locus of Divine instruction. It is associated with process much more than with product. (see our discussion on Parashiot Vayyikra-Tzav). As such, it stands to reason that the most perfect way of expressing this celebration is by demonstrating "process" - either by enhancing or diminishing the lights. As to our query about Beit Shammai's reasoning: We must remember that many processes in life are built around abatement - (e.g. dieting, working on character traits etc.); perhaps even more than "increasing."

5) What is the rationale behind the second Amoraic approach? Since the celebration is Beit

haMikdash-related, we have the Beit haMikdash principle of Ma'alín baKodesh to guide Beit Hillel's formula. The general rule in the Mikdash is that all matters must continue to ascend.. What then are we to make of Beit Shammai's reasoning?

Perhaps this passage from II Maccabees will enlighten us:

It happened that on the same day on which the sanctuary had been profaned by the foreigners, the purification of the sanctuary took place, that is, on the twenty-fifth day of the same month, which was Kislev. They celebrated it for eight days with rejoicing, in the manner of the festival of booths, remembering how not long before, during the festival of booths, they had been wandering in the mountains and caves like wild animals. Therefore, carrying ivy-wreathed wands and beautiful branches and also fronds of palm, they offered hymns of thanksgiving to him who had given success to the purifying of his own holy place. They decreed by public edict, ratified by vote, that the whole nation of the Jews should observe these days every year. (II Maccabees 5-8)

As we can see, the original celebration of Hanukkah was meant to be a second Sukkot (it was even referred to as "Sukkot of Kislev" in the first century BCE). Since we have already established that following a nightly sequence-change is the ideal form of Hiddur Mitzvah, it stands to reason that instead of adopting the general Beit haMikdash rule of Ma'alín baKodesh, we would prefer the specific exception to this rule associated with Hanukkah's model - Sukkot.

VI

FINAL THOUGHTS...IN THE MEANTIME

We did not answer the final question regarding the elders of Sidon. Next week's shiur will address that, as we present Rav Kook's analysis of this difficult sugya. In that context, we will see much more satisfying responses to all of these questions...but we certainly have food for thought over the next week.

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