

למודי משה

על המועדים

חנוכה תשפ"ב

There is a Rambam (*Hilchos Talmud Torah* 3:13) which says: אף על פי שמצוה ללמד ביום ובלילה אין אדם למד רב חכמתו אלא בלילה לפיכך מי שרצה לזכות בכתר התורה יזהר בכל לילותיו ולא יאבד אפלו אחד מהן by day and by night, one acquires most of his wisdom at night. Therefore, one who desires to attain the crown of the Torah should take care of all of his nights, not to waste even one of them with sleeping, eating, drinking, conversation, or the like, rather he should busy himself with Torah and in matters of wisdom."

Due to the above Rambam, over the past few months, whilst I have been compiling the above *kuntros* I have had many late nights. I would just like to take this opportunity to apologise to all those who may have had to suffer as a result, my family, by friends and *chavrusos* etc.

I would like to take this opportunity to give thanks Hakodosh Baruch Hu for giving me the strength and determination to write this *kuntros* and for all the ongoing kindness he constantly bestows upon me and my family.

I would also like to take this opportunity to thank all those who read my weekly sheet, and those who help me distribute it weekly and especially those who have helped towards the printing costs.

For those who may be wondering why I call the name of my weekly sheets and *kuntrasim* משה למודי, the simple answer is because משה למודי is the same *gematria* as the name of my wife יהודית, both equalling 435, and if it wouldn't be for her continuous help and support, I wouldn't be able to write the Torah content that I do.

I would also like to thank my parents and in-laws for everything they do to help me and my family, to enable me to continue to sit and learn in Eretz Yisroel.

And finally, I would like to thank all those who have read the above message (and hopefully will continue on to read the entire *kuntros*).

Moshe Harris

The following *kuntros* is dedicated:

Le'zechus refuah shalama for:

Naftoli ben Miriam

"*vshar cholei Yisrael*"

Le'zechus shidduch for:

Nechoma bas Shoshanah

Moshe ben Sora Golda

Eliyha ben Sora Golda

and all those who need *shidduchim*

Le'iluy nishmas:

R' Binyomin Zev ben R' Avrohom zt'l

R' Moshe *ben Ibhchl"ch* Meir Eliezer

R' Shmuel Aharon ben R' Yitzchok

As a Zechus for:

Aryeh Leb and Chana Nathan and their whole families

And as a *zechus* for all those who gave me such generous donations and never gave me anything to write and their families.

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מלכתחילה רבני דקמנסטר והגליל יצי

מחס מקד הברכה
ושאר ספרים

בסיד

שלוט וזרכה לכוז ל' אנה שליטא

Thank you very much for the consistently amazing *יונירסיטי* and weekly *פרשה* sheets that you send me. Generally, I refrain from giving *הסכמות* for certain reasons. However, sometimes I have to make exceptions, e.g. close family members. Due to my long-standing *סיבות* with your *אבא*'s father, I feel you qualify for such an exception.

"Joh geh *אין ארויס פון די גלייב*!" I am really baffled how a "junger Mann" like ^{you} not even yet 30 *און און* can be so *אויסצייג*. In addition to your daily schedule, you managed to compile such "gewaltige" *יונירסיטי* (in addition to your weekly *גליונות*).

I wish I could learn through all your writings. However, due to my *טירנות*, this is not feasible. Nevertheless, they are placed prominently in my library, (מקום *אמור*, from where I usually sit) for reference *דעה*. I was *אין* quite a bit in your writings, but for the reason given above.

Consequently, I cannot state that my *הסכמות* means, I agree with everything *לפני ומוסר*. However, what I have seen is well written and in accordance with *הלכה*. והנה *בני* לרוב *אמור* של *ה' בירוק* ו*בית*, *יתן* ה' *של* *ה' למוז* ול*אם* *אמר* *אמור* ה' *של* *ה' ופחות* *הפז* *ולאסוקי* *שאמור* *אמור* *דלכא* *כאור* *אמר* *ויתלפז* *לכות* *ה' זכאי* *לכות* *אמור* *ישל* *ה' בוא* *יון* *גרא*, *הפז* *לכוז* *הטור* *ומוסר* *זיו* *למוז* *אין* *לכוז* *ומוז* *אין* *לכות* *לפני* *ה' חזק* *הטור* *אמור* *ה' של*

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כסלו תשנ"ה

מכתב ברכה

כ"ד

ברכה מרובה לכבוד הנהל תמיצ"ן
נ' משה הריס שליט"ו
בן יעקב מרד שמעון שליט"א
מונהל בתורה ופיראג (תורה ומצוות) ב"ט
מזה גמרה, שוקק אל קלתי התורה דתתענה
ובדין ומפ"ל' תצ"ח בידו. ומעק זמרה
של תורה וזיבנק חדרים זכה ארצות אל
ללין בינורי הלבנה וסיכוס הקצות, פיו
יקלנו ספרו אמוני עשה, אל ~~הקדושים~~
והמודקיו, בהלכה ובאגדה בסדר נטן וקדו
לצד וצאת, וינוד לשונם העניקים בהכנה
ובסדרא ישרה, וקדושים נבוחים כזו ק'
האובה אליו.

כה יתן ק' וכה יוסף להנכות חילוקי אמונה
ויפוצו מציעתו חוננה, ויצבה תמיד לטקוד ולהגות
בתורה קאחלה של תורה אלמוז וללמז לשמוז ולשמו
ושמחו בן חדרו ותוריו, ויהא כבוד שמעו מתורה
אל יקו להגזיל תורה ולהאזינה

בברכה הגורם
יוסף שלמה הלוי כהן

Lighting menorah in the *beis hakisay* and performing mitzvos in *mekomas matunofim* [dirty places] in general

What's the halachah if the only window one has that overlooks the *reshus horabim* [street] is the *beis hakisay*. The *din* is, that generally one isn't allowed to perform *mitzvos* in *movois hamutunofim* [dirty places], if one has no other option is he allowed to? (Although this *shailah* seems very farfetched, in Eretz Yisroel it can be quite practical due to the large amount of small underground apartments. Last year I gave a *shiur* about this very topic and someone came up to me afterwards and told me, that in fact he had this very *shailah*).

Lighting a menorah on the table

Although it would seem that if one is faced with such a *shailah* he should simply light on his table it's not so simple. The Gemara in Shabbos (21b) says: "One should light his *menorah* at the entrance to his house on the outside. If one is high up he should light by a window. **If one is in a time of *sakonah* [danger] then he should light on the table and that's enough.**" It's brought down in the name of the Brisker Rov (*Kuntros Chanukah U'Megillah, siman 3 ois 3*) that it's not *pshat*, that *lechatchilah* [ideally] one should light outside, however, *b'dieved* [after the fact] it's ok to light inside, therefore, at a time of *sakonah* it's ok for one to perform the *b'dieved*. Rather lighting outside is *me'akev* [strict requirement] and if one lights inside he isn't *yoitsa* even *b'dieved*, at a time of *sakonah* however, *Chazal* made a special *takonah* that it's *lechatchilah* for one to light inside. Accordingly, if at a time of *sakonah* one is able to light outside there is no need to, as at a time of *sakonah lechatchilah* one is supposed to light inside. Similarly, anyone who is unable to light outside i.e., because of the wind, is *lechatchilah* allowed to light inside based on the above (that when one is unable to light outside there is a special *takonah* that he can light inside). If however, the *oinus* [thing preventing one lighting outside] passes, i.e. it's no longer windy, the *chiyuv* to light outside returns. This in fact once happened to the Brisker Rov, once it was too windy to light outside and so he lit inside, after a while the wind stopped and so he relit outside.

It's clear from the above, that lighting inside is a special *takonah* for a time of danger etc. if however, there is no danger, then there is no *heter* to light inside, not even *b'dieved*.

The *Maharsham* (*Da'as Torah*, 675:1) and R' Moshe Feinstein (*Orach Chaim* 4:105:7) argue on the above and learn that there was no new *takonah* made at a time of danger, rather it's always *b'dieved* ok to light inside and at a time of the *sakonah* it's ok to do the *b'dieved*.

R' Moshe brings a *rayah* from the *loshon* of the Gemara, the Gemara says "at a time of *sakonah* it's ok to light inside". The Gemara doesn't say, "at a time of *sakonah* *Chazal* made a new *takonah* that one can light inside", we see there was no new special *takonah*.

We see that lighting on the table when it's not a time of *sakonah* is not so simple and the Brisker Rov in fact holds, if there is no *sakonah* one isn't *yoitsa* with lighting inside. (I am aware that most *poskim* in *Chutz La'aretz* and even in Eretz Yisroel don't go like the Brisker Rov and will *parken* that certainly *b'dieved* it's ok to light inside, however, in order to be able to discuss the *shailah* of lighting in the *beis hakisay* we have to side with the Brisker Rov's opinion).

***Biur Halachah* (588)**

The *Biur Halachah* brings down two reasons as to why one shouldn't perform a mitzvah in a *mokam matunof* [dirty place]. One reason he brings is, when one performs a mitzvah he needs to have *kavonah* and one isn't allowed to have *kavonah* in a *mokam matunof*. A second reason he brings is, when one performs a mitzvah he is doing an *avodah* [serving Hashem] and one shouldn't do *avodah* in a disgraceful way. He brings that the Gemara in Rosh Hashanah says one shouldn't rinse out the *shofar* with *may raglayim* as it's a lack of *kovad*. He says, if cleaning a *shofar* which is only a *hechsher* mitzvah [an act done in preparation for performing a mitzvah] is a problem, then certainly an act done in carrying out the mitzvah itself should be a problem.

A *nafka minah* between the two reasons, is in a case when someone lights with a long candle and places the *menorah* inside the *beis hakisay*, however, he stands and lights from outside. If the reason not to do *mitzvos* in a *mokam matunof* is because of *kavonah*, in such a case, since he is standing outside he is able to have *kavonah*. If however, the reason is because of *bizoyan*, even if one uses a long candle he is still performing a mitzvah in a dirty place and therefore, it would still be a problem.

One has to perform *mitzvos bein adam lechaveiro* [between man and his friend] even in the *beis hakisay* and *beis hamerchatz* [bath house]

The Gemara in *Kiddushin* (32b) discusses the mitzvah of standing up for a *chocham* and old person. The Gemara says: you might think that one should stand for them even in a *beis hakisay* or *beis hamerchatz*, therefore it says ותקום והדרת – “Stand and honour them” to teach you: לא אמרתי קימה אלא במקום שיש הידור – “that you only have to stand in a place where it's honourable for them”.

It's clear from the above Gemara, that if the mitzvah of standing before a *chocham* or old person didn't require קימה שיש בו הידור – “a standing up that gives honour”, one would have to fulfill the mitzvah of standing up for them, even in a *beis hakisay* or *beis hamerchatz*, even though we said above that one shouldn't perform *mitzvos* in such places, how come, what is the difference?

We have to make a distinction and say, when it comes to *mitzvos bein adam lechaveiro* one has to them even in a *mokam matunof*, therefore, *mitzvos* such as *ומהבת לרעך כמוך* apply even in the *beis hakisay* or *beis hamerchatz*. In comparison to *mitzvos bein adam laMokam*, *mitzvos bein adam lechaveiro* aren't as much of an *avodah* to Hashem, therefore, there is nothing wrong in standing for a *chocham* or old man in a *beis hakisay* or *beis hamerchatz*. However, when it comes to *mitzvos bein adam laMokam* which are much more of an *avodah* to Hashem then one has to make sure to carry out the mitzvah in an honourable fashion.

According to the reason that one can't do *mitzvos* in a *mokam matunof* because he can't have *kavonah* there, we have to answer, that when it comes to a mitzvah which is *bein adam lechaveiro* if one can't have *kavonah* then he has to still perform the mitzvah, he should just do it without *kavonah*.

The opinion of HaGra Mikalish that if one is in prison in a *mokam matunof* he can read *krias shema* there

What's the *din* in regards to *krias shema* and *tefillah* if the only place one can fulfil the mitzvah is in a *mokam matunof*, can one read *devorim shebikdusha* there, or is it better to miss out on the mitzvah altogether?

The *Emek Berachah* (*Be'Inyan Machanecho Kodosh*, p. 19) brings that he saw brought down in the *sefer Yad Eliyohu* from HaGra Mikalish, that there was once a person locked up in a prison which was a *mokam matunof*, and it was *paskened* that he could say *krias shema* there, because the *asei* [positive commandment] of *krias shema*, which as an *asei derabbim* [communal positive commandment] overrides the *asei deyoichid* [individual positive commandment] of *והיה מחניך קדוש* - making sure not to read *devorim shebikdusha* in dirty places. Just like we find that an *oval* isn't *noheg aveilus* on Yom Tov as the *asei de'rabbim* overrides the *asei deyoichid*, so to if one is in prison in a *mokam matunof*, the *asei de'rabbim* of *krias shema* overrides the *asei deyoichid* of *והיה מחניך קדוש*.

Moreover he adds, perhaps in such a case there is no *asei* of *והיה מחניך קדוש* at all. The Torah never forbade reading *krias shema* in a dirty place, rather the main mitzvah is that your *מחניך* – camp, should be a space fitting to read *devorim shebikdusha*, *krias shema* is *kodosh vechohar* [holy and pure] and should therefore be read in a clean place. If one is unable to keep the main mitzvah, he doesn't need to, like we find by *tzitzis*.

The *Emek Berachah* argues on the above and says that both of the above arguments are incorrect. He argues, if the above is correct, why is there an *issur* to think about Torah in a *mokam matunof*, the mitzvah of learning Torah is a constant mitzvah and applies every

second of the day as the Gaon writes in *Shenos Eliyohu* (*Maseches Peah*, from the Yerushalmi) and one can't make up for the time he doesn't learn. Therefore, it should come out, that if one walks into a dirty place we should say the *asei de'rabbim* of Talmud Torah overrides the *asei* of *קדוש* והיה מחניך קדוש. From the fact that we don't say this, it must be that the *asei* of *קדוש* והיה מחניך קדוש tells us it's forbidden to say *devorim shebikdusha* in a *mokam matunof* and it doesn't make a difference if it's an *asei de'rabbim* or not.

The *Biur Halachah* argues on HaGra Mikalish and says at the end of *siman* 76 "if one is in a *mokam matunof* and he has no way of getting out, i.e., he is in prison, it's better not to daven at all then to transgress on an *issur de'O'raisa*".

One is allowed to warn his friend and stop him doing an *issur*, even if he is in a *mokam matunof*

From the Gemara in Shabbos (40b) it's clear, that if one sees his friend about to transgress an *aveirah*, even if they are both in a *mokam matunof*, one is allowed to tell his friend to be careful not to transgress on an *issur*.

The *Chayei Adam* (*Klal* 3, *Nishmas Adam*, *sif kotan* 8) asks, how is one allowed to transgress an *issur de'O'raisa* just to save his friend from doing an *aveirah*, surely the rule is "one isn't allowed to transgress in order to save his friend from transgressing"?

The *Chayei Adam* answers, one is only allowed to tell his friend off in a roundabout way, i.e. don't scrub, don't anoint, only take water with a *keli sheni*, however, he isn't allowed to tell his friend "you should know, there is an *issur* of scrubbing", "you should know there is an *issur* of anointing" as the later is teaching *halachos* in a *mokam matunof*, and that one isn't allowed to do.

The *Emek Berachah* also deals with the above *shailah*. He has two *tzedodim* [possibilities] as to why one is allowed to warn his friend against doing an *issur* in a *mokam matunof*. His first *tzad* is, since one is doing it just to save his friend from doing an *aveirah* it's not called learning Torah. His second *tzad* is, perhaps in such a case *Chazal* had a *kabolah* that there is no *issur* of *קדוש* והיה מחניך קדוש.

He says a *nafka minah* [practical difference] between the two *tzedodim* is in a case when one is in doubt if his friend will listen. If we learn like the first *tzad* that it's not called *divrei Torah* then it would be ok. If we take on the other *tzad*, that the Torah never gave an *issur* of *קדוש* והיה מחניך קדוש in such a case, then it's logical to say that the Torah was only lenient if one knows that his friend will definitely listen.

The *Emek Berachah* brings a *rayah* from the *Sefer Chasiddim* (brought in *Magen Avraham*, *Orach Chaim* 85:4) who says, that if one has *hirhuray aveirah* [forbidden thoughts] and he

is in a dirty place, he is allowed to think about Torah to save himself from the forbidden thoughts. Thinking about Torah is certainly considered Talmud Torah, as one is thinking from the deepness of his heart in Torah specifically to save himself from having forbidden thoughts. Therefore, concludes the *Emek Berachah*, it must be like the second *tzad*, that *Chazal* knew that in certain cases *Chazal* were lenient with the *issur* of מחניך קדוש ויהיה. It comes out, if one is in doubt if his friend will listen or not, he isn't allowed to tell him.

The *issur* of מחניך קדוש is because of בזה ה' דבר – “disgracing the words of Hashem”

I heard another answer to the above question from R' Naftoli Kopshitz. The *Rema* (*Yoreh Deah* 282) says: “it's forbidden to think about Torah in a *mokam matunof* as it's a lack of *kovad haTorah*”. The *Pri Megadim* asks on the *Rema*, that from the Gemara in Shabbos it's clear that it's an *issur de'O'raisa* learnt out from the *pasuk* of מחניך קדוש ויהיה?

The *Nishmas Adam* (*Klal* 3, *Ois* 2) writes, that from the *Rema* it seems that the *issur* to think about Torah in a *mokam matunof* is only an *issur de'rabbanon* due to a lack of *kovad haTorah* and isn't because of the *issur* of מחניך קדוש ויהיה. Rashi in Shabbos (150a) however, learns that the *issur* is an *issur de'O'raisa*, and from the Rosh it also seems to be an *issur de'O'raisa*, therefore the *Rema* which says otherwise is *tzorich iyun* [needs more understanding].

Perhaps we can answer the above based on the Gemara in *Berachos* (24b). The Gemara writes: If one is walking in a *mokam matunof* he shouldn't read *krias shema*, moreover, if he has already started he should stop. If he doesn't stop what is the *din*? The Gemara continues, he transgresses on בזה ה' דבר. If he does stop what is his reward? The Gemara says, long life. From the above Gemara it's clear that the *issur* of thinking about Torah in dirty places is because of בזה ה' דבר. Perhaps this is the *yesod* [foundation] behind the *issur* of מחניך קדוש ויהיה, one has to make sure to learn and think about *devorim shebikdusha* in clean place because if he doesn't it's a disgrace to the Torah and to *krias shema* etc.

Accordingly, if one speaks Torah in a *mokam matunof* in order to save his friend from an *issur*, there is no disgrace to the Torah, on the contrary, if one watches his friend do an *aveirah* and doesn't stop him there is an even bigger disgrace.

With this we can answer the *Chayei Adam's* question, of how one can transgress an *issur de'O'raisa* in order to save his friend from doing an *issur de'rabbanon*. The *asei* of ויהיה מחניך קדוש isn't *hutar* [overridden] in such a case, rather in a case when one is saving his friend from transgressing an *issur* there is no *issur* of מחניך קדוש ויהיה at all, as in such a

case there is no דבר ה' בזה, as the reason one is saying Torah in a *mokam matunof* is for *kovad* haTorah, since it's for *kovad* there is no problem.

Based on the above it should come out, that if one is in a situation where he can only perform a mitzvah in a *mokam matunof* he should be allowed. Since he has no other option it's not a disgrace to the Torah, yet we find that if one has no other option, he still isn't allowed to learn Torah in a *mokam matunof*. Therefore it seems, it's a *bizoyan* [disgrace] even in such a case, as in the end of the day he is reading Torah in a *mokam matunof*.

The Rashba learns, that in a case where one is going to end up benefiting from the light of the *menorah* it's better not to light at all

From the Rashba in the Chanukah *sugya*, it's clear that we are *mevatel* the mitzvah of lighting *menorah* in order one doesn't come to benefit from its light, even though the reason not to is because of *bizoyan* [disgrace]. The Rashba (Shabbos 21b) says the halachah is, one isn't allowed to benefit from the light of the *menorah*. He brings a *rayah* from the *din* that *ner* Shabbos comes before *ner* Chanukah. Asks the Rashba, if one doesn't have enough money for both, why doesn't he light his *menorah* on the table for both *sholam bayis* (Shabbos candles) and for Chanukah candles? From here it's clear one isn't allowed to benefit from the Chanukah lights even if it's for a mitzvah such as *seudos* Shabbos.

From the Rashba it's clear that we are *mevatel* the mitzvah of *neiros* Chanukah in order not to benefit from its light. Presumably we can conclude from here, that if by performing a mitzvah there will be a disgrace to the mitzvah, it's better not to do the mitzvah at all. Therefore, it would come out, if the only place one can light is in the *beis hakisay* it would be better not to do the mitzvah at all.

Perhaps we can make a distinction between the two cases. Perhaps if the *bizoyan* is at the same time the mitzvah is carried out its different. In the Rashba's case, the mitzvah of the Chanukah candles is at the time of lighting and later on they are used for Shabbos candles, the *bizoyan* isn't at the time of the mitzvah. In our case the mitzvah and *bizoyan* happened at the same time, therefore, perhaps it's different.

Does one need to own the candles he lights on Chanukah?

Several *mitzvos* in the Torah require that a person must own the item in order to perform the mitzvah. The most common example is the *lulav* and *esrog* (*arbah minim*), where the Torah states that on the first day of Succos they must belong to the one shaking them, a principle known as "*lochem*". Similarly, *tzitzis* must belong to the person wearing them

(see *Shulchan Aruch, Orach Chaim* 14:3), and *matzah*, according to many opinions, to the person eating it.

A question arises concerning Chanukah candles. Must they – candles or oil – belong to the person kindling the lights, or may one light with somebody else’s candles or oil?

One practical ramification of this question is whether it is permitted to borrow oil or candles from a neighbour. May one light with borrowed oil which doesn’t belong to him, or must one acquire the oil?

A further question is whether one who is a guest and needs to join with his host’s lighting must actually acquire the oil or he can just receive verbal permission from the host.

We will discuss this below.

The oil/candles must be your own

The opinion of Rav Zvi Pesach Frank (*Mikraei Kodesh*, Chanukah p. 50) is that the oil for the Chanukah lights must be the full property of the person lighting them.

He derives this from the Ran (*Pesachim* 7b), who discusses the wording of the *berachah* recited over the candles. The principle which the Ran derives from the conclusion of the Gemara, is that there is a distinction in the wording of *berachos*, between *berachos* over *mitzvos* that can be performed through an agent, and those that must be performed by a person himself: Over *mitzvos* that can be performed via an agent, one inserts the word “*al*” at the conclusion of the *berachos*, whereas for *mitzvos* that cannot be performed via an agent, the word “*al*” is omitted.

Based on this principle, the correct *berachah* for Chanukah candles (which one may perform via an agent) would seem to be *al ner* Chanukah, rather than *lehadlik ner* Chanukah, which is the *berachah* that the Gemara quotes.

The Ran replies by citing the case of a guest (at a hostel or hotel – an *achsanai*), who must make a monetary contribution to his host for Chanukah lights (*Shabbos* 23a, *Shulchan Aruch, Orach Chaim* 677:1) in order to fulfil the mitzvah of lighting together with his host. It follows that the mitzvah cannot be [entirely] fulfilled through somebody else. Rather it seems some ownership is required. This principle is also stated by the Ramban.

Based on the above Rav Zvi Pesach Frank concludes, that one may only light with one’s own Chanukah oil, and not make use of another’s.

Recalling the *menorah*

Rav Zvi Pesach Frank proceeds to offer an interesting explanation why the oil or candles must belong to the individual kindling them, based on the *menorah* in the *Beis HaMikdash* that the lighting commemorates.

Since the Chanukah candles commemorate the *menorah* of the *Beis HaMikdash*, we can understand that just as each member of Klal Yisroel had a share in the oil of the *menorah* (by means of his annual contribution to the *Beis HaMikdash*), similarly the oil of Chanukah candles must be owned by the person lighting them.

This argument is certainly not conclusive: There are many elements of our Chanukah lighting – both in the form of the *menoros* we use and the oil or candles we use – that differ substantially from the *menorah*, and it is therefore hard to derive *halachos* on our own from the lighting of the *menorah*. Rav Frank understands this and presents his argument as justification rather than causation.

Moreover, the reasoning offered by Rav Tzvi Pesach does not apply to Shabbos candles, even though we find a similar halachah that the guest should make a financial contribution to the owner of the candles.

However, a number of *poskim* (see *Beis She'arim, Orach Chaim* 361; *S'dei Chemed, Maareches* Chanukah) concur with the ruling, and apply the condition of *lochem*, as we find concerning an *esrog* or *tzitzis*, to Chanukah candles.

Prohibited and stolen oil

On the other hand, based on *p'sokim* from several other *poskim* it would seem that there is no need for the candles or the oil to be owned by the person fulfilling the mitzvah.

The *Pri MeGodim* (*Hakdomah* to *Orach Chaim*, 1:24) writes, that it is permitted to kindle Chanukah lights with oil of *issurei hano'ah* (whose benefit is prohibited, such as *orlah*). The *Pri MeGodim* expresses no concern for the fact that according to many *poskim*, *issurei hano'ah* are not considered to be owned by anyone (see *Ketzos HaChoshen* 406:1; *Nesivos HaMishpot* 275:1). These *poskim* believe that things whose benefit is prohibited cannot be owned, which ought to raise a problem where ownership is necessary.

A similar ruling is implied by the *Shaarei Teshuvah* (673:1), citing *Shaar Efraim* (38), who *paskens* that one may not light Chanukah candles with *issurei hano'ah*, but fails to note any lack of halachic ownership.

Furthermore, we find that the *Mishnah Berurah* (673:2) expresses doubt as to whether one may kindle the Chanukah lights with stolen oil. The relevant question, as presented

by the *Sho'el U'Meishiv* (cited by the *Mishnah Berurah*), is whether the principle of *mitzvah haboh b'aveirah* applies [a mitzvah fulfilled by means of a transgression] applies even to a mitzvah *de'rabbanon*. The matter of ownership – an obvious concern with stolen oil – is not mentioned.

Buying a share of the oil

As noted above, the main proof of Rav Tzvi Pesach is the case of a guest who must purchase a share in his host's oil to fulfil the mitzvah with him. Assuming, as it appears from the *poskim* noted above, that there is no condition of *lochem* with respect to Chanukah lights, why is it necessary to purchase a share in the oil?

One resolution is to differentiate between a person's own lighting, for which the candle or oil need not be personally owned and participating in somebody else's lighting (the hostel owner's), for which one must purchase a share.

The rationale behind this distinction is that for a person's own lighting, his connection with the mitzvah is guaranteed through his performance. In contrast, when a person is joining with another (his host), he needs to have some personal connection with the performance, which is achieved by means of his purchase of (part of) the oil.

What comes out is, when it comes to one's own lighting ownership is not required, if however, he is fulfilling the mitzvah with an agent, then ownership is required.

Paying for participation in the mitzvah

An alternative explanation, however, is that the point of purchasing a share in another's lights is not to achieve ownership of the oil, but it is rather a way of two parties joining together to fulfil a mitzvah.

The *Pnei Meivin* (223) suggests the above, and he brings a *rayah* to the above. He argues, a simple donation of money cannot give the purchaser a halachic share of the oil.

After *Chazal* annulled the power of *kinyan kesef* [acquiring something through money] for moveable items, in order to acquire legal ownership the buyer has to make an additional *kinyan* in addition to paying money (such as raising the item by hand, or bringing it into his private domain) – a condition not mentioned by any of the *poskim*.

A similar idea is mentioned by Rav Shlomo Zalman Auerbach (*Halichos Shlomo, Mo'adim* 13:12), who explains that a guest who pays his host to become a partner in the candles does not actually acquire a portion in the candles, but rather earns a portion in the mitzvah. By donating money towards the oil, he is considered as one of the *bnei*

habayis (members of the household) and is automatically included in the lighting of his host.

According to this, the fact that paying money does not effect a full acquisition of the host's oil has no bearing on a guest's fulfilment of his mitzvah. The mitzvah is fulfilled not by owning the candles – ownership is not required – but simply by being part of the household.

The *Mishnah Berurah* (677:3), however, writes explicitly that paying money to one's host actually buys him a share in the oil (see also *Shaar HaTzion* 677:9, who mentions making a *kinyan*, a formal legal acquisition). This is also implied by the Rambam, who writes that the guest shares in the host's oil (*Hilchos Chanukah* 4:11).

Although *Chazal* decreed that payment alone does not enact a transfer of ownership, it appears that for mitzvah it's sufficient (see *Rema, Choshen Mishpot* 199:3).

According to this opinion, we again have the distinction mentioned above, between one's own lighting, for which ownership is not required, and fulfilling the mitzvah with somebody else, for which ownership is required.

In summary

Some *poskim* maintain that the oil or candles for use in Chanukah lights must be the *halachic* property of the person lighting them. Accordingly, one would have to make a full *halachic* acquisition of the oil or candles.

Many *poskim*, however, imply that there is no need to ensure *halachic* ownership of oil and candles.

This is only true of oil and candles with which one fulfils one's own mitzvah of Chanukah lighting. If the actual mitzvah is fulfilled by somebody else – for instance, for a guest at a hostel and the like, or when the mitzvah is performed by means of an agent – one should ensure that one has a *halachic* share in the oil or candles.

It is sufficient to pay the owner a small sum of money to ensure *halachic* ownership.

Lighting menorah in shul

The Gemara formulates the mitzvah of lighting *neiros* Chanukah as נר איש וביתו – “A light for a man and his house”. The Gemara takes this concept so literally that the *menorah* cannot be distanced from the threshold of the house more than a *tefach*. Since no one sleeps in a *shul* and so it's not considered a “*bayis*”, what is the justification to light *menorah* in a *shul*? Lighting in *shul* is a *minhag*, how did it become so established that we

even recite a *berachah* over it? Moreover, when do we ever recite a *berachah* on a *minhag*?

We find some discussion among *Rishonim* whether one should recite a *berachah* when kindling the *shul's menorah*. Although a few *Rishonim* opposed reciting a *berachah* on this kindling (see *Shibbolei HaLeKet*, 185), in the course of time we find the practice gaining full acceptance. In the Fourteenth Century, Rabbi Amram ben Meroam queried the *Rivosh* (*Shu"t HaRivosh*, 111) as to why we kindle the *menorah* in *shul*. Rabbi Amram reports that he had been unable to find a *halachic* reason for why the *berachah* recited upon this kindling is not considered a *beracha levatolah*. After all, each individual is required to light in his own home, and no one fulfils the mitzvah with the *shul* kindling.

Rabbi Amram considers the possibility that the kindling in *shul* is for the sake of the destitute, who cannot afford to purchase oil or candles for Chanukah, but he rejects this approach. Even the poorest of the poor is, after all, required to kindle Chanukah lights at home, just as he is required to observe a *seder* and drink four cups of wine on Pesach, because these *mitzvos* accomplish *pirsumay nisa*, publicizing the miracle.

The *Rivosh* responded that kindling Chanukah lights in *shul* is a time-honoured practice that began when Jews were no longer able to light Chanukah lights outside, as *Chazal* had originally ordained. When the kindling of the *menorah* was moved indoors, *pirsumay nisa* still took place with respect to our families, but we lacked the true *pirsumay nisa* that a public kindling accomplishes. Therefore, explains the *Rivosh*, the *minhag* of kindling Chanukah lights in *shul* developed, whereby the entire community could witness the commemoration of the miracle and thereby fulfil the aspect of *pirsumay nisa*.

The *Rivosh* implies that he accepts Rabbi Amram's position that no one fulfils the mitzvah with the kindling in *shul*. Nevertheless, we recite a *berachah*, notwithstanding the fact that it is technically a *minhag*, and not a mitzvah instituted by *Chazal*. The *Shulchan Aruch* (671:7) and all the *poskim* seem to accept this ruling, that one recites a *berachah* prior to kindling the Chanukah lights in *shul*.

Regarding the question of how we can recite a *berachah* on a *minhag*, the *Rivosh* compares this to our practice of reciting *Hallel* on Rosh Chodesh. Although the Gemara in *Eruchin* (10a) states explicitly that this recitation is not required according to halachah and is a custom that developed, we make a *berachah* prior to reciting it.

The difficulty is, the *Shulchan Aruch* himself earlier (422:2) brings that according to the Rambam, one doesn't make a *berachah* prior to reciting *Hallel* on Rosh Chodesh since it's only a *minhag*. Asks the *Chacham Tzvi* (*Shu"t* 88) if so, why does the *Shulchan Aruch* here say straight out that we make a *berachah* when kindling the *menorah* in *shul*?

R' Shlomo Zalman Auerbach (*Shu"t Minchas Shlomo* 2:53:2) explains, the whole *machlokes* if one says a *berachah* on a *minhag* or not, is only regarding a mitzvah where the whole idea of the mitzvah is a *minhag*, such as *Hallel* on Rosh Chodesh, or *leining Megillas Rus* in *shul*. When it comes to lighting *menorah* however, when everyone has a *chiyuv* to light at home, and *Chazal* merely extended the mitzvah to light in *shul* as well for *pirsumay nisa*, everyone agrees you make a *berachah* on such a *minhag*.

The *Shevet HaLevi* (1:185) says a similar answer. He says, since the main idea of lighting *menorah* is for *pirsumay nisa*, any additional factors that are added to the mitzvah to increase *pirsumay nisa* (even if there is no *chiyuv*) are included in the original *takanas Chazal* as there is no *shiur* [fixed amount] for *pirsumay nisa*, therefore, it is understandable why one can make a *berachah* on such a lighting.

More reasons for lighting in *shul*

The *Kol-Bo* (44) cites two other reasons for the practice of kindling a *menorah* in *shul*:

1) We kindle on behalf of those who do not observe the mitzvah in their own homes. (This appears to be the exact reason that Rabbi Amram and the *Rivosh* rejected.)

2) We kindle in *shul* - our *mikdash me'at*, to commemorate the *menorah* in the *Beis HaMikdash*.

In addition, the *Beis Yosef* (*Orach Chaim* 671) suggests two more reasons:

3) To educate those who do not know how to recite the *berachos*.

4) Similar to the *minhag* of reciting kiddush in *shul* on Friday night, which originally was established so that guests, who stayed and ate their meals in the *shul* (or in nearby rooms) would be able to hear kiddush, the kindling is done so that travellers would thereby fulfil the mitzvah.

The *Beis Yosef* meant that a wayfarer who slept in the *shul* would fulfil his mitzvah with the *menorah* there. It may also include the situation of a traveller who will be unable to fulfil the mitzvah of kindling a *menorah*, and thus is required to recite the *berachos* *she'osah nissim* and *shehechayanu* when he sees *menorah* burning. According to the *Beis Yosef*, it is possible that the traveller may rely on the *shul* Chanukah *menorah* for his *berachos*. This matter is discussed in the *poskim* (see *Chovas HaDor*, Chapter 2, ftn. 46.)

Lighting *menorah* to commemorate the *menorah* in the *Beis HaMidosh*

We mentioned above, that one of the reasons we light a *menorah* in *shul* is to commemorate the *menorah* in the *Beis HaMikdosh*, there are various other aspects involved in the mitzvah of *neiros Chanukah* where we find the same idea.

The most powerful and famous application of this principle can be found in the *Ba'al HaMa'or* (Shabbos 22a). The Gemara mentions the *din* that a person cannot derive benefit from the light of the *menorah*. Several *rishonim* offer different explanations for this seemingly odd halachah. Why should the *menorah* light be forbidden? (see, for example, Rashi, who bases it upon the need to publicize the miracle through the candles, and the Ramban, who develops a global rule about the status of an object used for a mitzvah during the performance of that mitzvah). The *Ba'al HaMa'or* claims that as the *menorah* is reminiscent of the *menorah* of the *Beis HaMikdosh*, one cannot derive pleasure from its light, similar to the prohibition of deriving pleasure from consecrated objects. According to the *Ba'al HaMa'or* the actual candles or oil is invested with the same *kedusha* as that of the *Beis HaMikdosh* and as a result is forbidden for private use.

This association may also be discerned from a *Ra'avad* in *Hilchos Berachos* (11:15). The *Ra'avad* is dealing with what the *nussach* of the *berachah* before lighting *menorah* should be. He says although some *berachos* take the form “*al*” such as “*al achilas matzah*” and “*al netillas yodayim*”, this *berachah* is recited as “*lehadlik ner*”. The *Ra'avad* explains, the reason we say “*lehadlik ner*” is because this is the *berachah* that was said in the *Beis HaMikdosh* before lighting *menorah*. Although the *Ra'avad* is talking about one lighting at home and not in *shul*, we see the linkage between the *menorah* in the *Beis HaMidosh* and the *menorah* we light on Chanukah.

Do these variant reasons have any effect on the halachah?

Indeed, they do. According to the reason given by the *Rivosh*, no one fulfills a mitzvah with the *shul menorah*, and this is in fact how the *Rema* (671:7) *paskens*. According to some of the other reasons however, the *menorah* is kindled specifically to assist people in fulfilling the mitzvah. Following are several other differences in halachic practice that emerge from this dispute.

When do we light?

The *Rema* (671:7) states that we kindle the *menorah* in *shul* between *Mincha* and *Maariv*, which is earlier than the optimal time for kindling the Chanukah *menorah*. The *Mishnah Berurah* notes, we kindle the *shul menorah* before *Maariv*, since that is when everyone is gathered and, as a result, there is greater *pirsumay nisa*. This approach assumes that the kindling in *shul* is because we want to fulfill *pirsumay nisa* in a public forum, the first reason

mentioned above. If, however, the basis of the custom is to enable travellers or others who would not otherwise be lighting to fulfil the mitzvah, one should kindle the *shul menorah* at the *halachically* optimal time, which is after *Maariv*.

The *Shevet HaLevi* (4:65) offers another reason for lighting *menorah* after *Mincha* and before *Maariv*. He says, since lighting in *shul* is to commemorate the *menorah* in the *Beis HaMikdosh* and the *menorah* in the *Beis HaMikdosh* was kindled after the *afternoon tomid* and before the *haktoras amurim*, we light in *shul* at the same time.

Is the *shul menorah* kindled for *Shacharis*?

The common custom, mentioned by many *poskim* (*Pri MeGodim*, *Eshel Avraham* 670:2; *Binyan Shlomo* 53; *Shu"t Melamed LeHo'il* 1:121), is to rekindle the *shul's menorah*, without a *berachah*, and have it burn during *Shacharis*. Yet this practice appears unusual, since *Chazal* required commemorating the miracle only by kindling Chanukah lights at night, and there is no *minhag* of kindling the Chanukah lights in the daytime at home. Several *poskim* explain that the reason for kindling the *shul's Chanukah menorah* in the morning is to commemorate the *menorah* in the *Beis HaMikdosh*, whose lights burned in the morning.

When do we extinguish the *shul menorah*?

There was a common practice in many communities to extinguish the Chanukah lights after *Maariv*, although they had not yet burned for a half-hour after dark, which is the minimum time that halachah requires. The *Melamed LeHo'il* (1:121) permits the continuation of this practice, although other *poskim* object to it (see for example *Shu"t Shevet HaLevi* 8:156). Indeed, the *machlokes* hinges on why we kindle the *menorah* in *shul*. The *Melamed LeHo'il* contends that if the kindling in *shul* is for public *pirsumay nisa*, then there may be no requirement to leave the *menorah* burning. However, if the reason for the *minhag* is so that some individuals could thereby fulfil the mitzvah, then one must allow the lights to burn for the same amount of time as when they are lit at home.

[Although the *Melamed LeHo'il* allows one to extinguish the candles even if they haven't burnt for half an hour, he brings that the *minhag* in Frankfurt was to kindle very long candles in *shul* that would burn all night until after *Shacharis*.]

May a child kindle the *shul menorah*?

Again, this should depend on the reason for the *minhag*. If no one fulfils any mitzvah with the *shul menorah*, then a child could kindle the *shul's menorah*. However, if we are

kindling for adults to help them thereby fulfil the mitzvah, only an adult should be permitted to kindle the menorah (*Shu"t Minchas Yitzchok* 6:65:1).

Kindling a menorah at a chasunah

If someone is making a wedding on Chanukah, should he kindle his *menorah* at the *chasunah* hall, rather than, or in addition to, kindling at home? Assuming that he already kindled at home, may he recite a *berachah* upon kindling outside the home?

R' Moshe Shternbuch (*Teshuvos VeHanhagos* 1:398) discusses a similar case – a *minyana* davening *Maariv* at a wedding on Chanukah – in which he *paskens* that lighting in *shul* is a specific, established *minhag*, and we cannot randomly extend the *minhag* to other situations, and even if we do, we can't allow one to make a *berachah*.

Therefore, it would seem it's best to light at home before the *chasunah*, if one is unable to be home the entire evening he should arrange someone to kindle his *menorah* for him as a *shliach* (see *Mishnah Berurah* 677:12). If one is concerned about leaving unattended lights burning, he should ask his *shliach* to remain with the lights for half an hour, and then he may extinguish them.

If one wants to light an additional *menorah* for *pirsumay nisa* etc. Then he may, but he should do it without making a *berachah*.

Lighting at a concert

During Chanukah, various concerts and other similar community celebrations and events often take place. May one recite the *berachos* if one kindles a *menorah* at these events? Although lighting a *menorah* at the assembly will also be an act of *pirsumay nisa*, one fulfills no mitzvah or *minhag* by doing so. Therefore, most *poskim pasken* that one should not recite a *berachah* on this lighting (*Shu"t Minchas Yitzchak* 6:65:3; *Shu"t Tzitz Eliezer* 15:30; *Shu"t Divrei Yetziv, Orach Chaim* 286:3; *Shu"t Shevet HaLevi* 4:65; *Teshuvos VeHanhagos* 1:398, see also *Shu"t Az Nidberu* 5:37 who *paskens* that one may recite *berachos* at these lightings).

Using electric lights for the Chanukah menorah:

Although we all know that it's not ideal to use electric lights for *neiros* Chanukah and it seems universally accepted not to, the question is why not, what exactly is wrong with using an electric *menorah* on Chanukah?

On Shabbos and Yom Tov, it's forbidden to turn on electricity and one who turns on a incandescent bulb on Shabbos constitutes a forbidden act of *הבערה*, creating a fire. We see that halachah considers a lit incandescent bulb to be fire. In fact, many *poskim* agree

that one can fulfil the mitzvah of lighting Shabbos or Yom Tov candles with electrically produced lights (see *Shemiras Shabbos KeHilchosah*, perek 43, footnote 22, for a list of *poskim* who allow it). The *Shemiras Shabbos KeHilchosah* (43:4) writes concerning this issue “one who uses electrically produced light for Shabbos or Yom Tov candles has halachic support for his practice and may recite a *berachah* on this lighting.” The question is therefore, why can’t electric *menoros* be used on Chanukah?

R’ Tzvi Pesach Franks approach

R’ Tzvi Pesach in his *Har Tzvi* (*Orach Chaim* 2:114:2) deals with the above *shailah*. First, he proves that by Shabbos candles the mitzvah isn’t to actively light the candles with one’s hand, rather the mitzvah is for the candles to be lit. He brings a *Magen Avraham* who brings a *Maharam* who maintains, if a woman didn’t light candles before *shkia*, she should get a *goy* to light for her and she can make a *berachah*. R’ Akiva Eiger asks, אין שליחות ליענו”ם – a *goy* can’t be a *shliach* to help one carry out a mitzvah, therefore, it comes out that the woman hasn’t lit the candles, if so, how can she make a *berachah*? R’ Tzvi Pesach says, we see from here that the mitzvah is not the lighting of the Shabbos candles, but rather the fact that the candles are lit. The mitzvah of Shabbos candles is to ensure that there is light in the house, and when a *goy* lights the candles there is light in the house and so the woman can make a *berachah*.

Similarly, from the *loshon* of the Rambam (*Hilchos Shabbos* 5:2): נר דלוק שבת – “a lit candle on Shabbos”, it would seem the mitzvah is to have candles lit in the house on Shabbos and not the actual act of lighting candles.

Therefore, concludes R’ Tzvi Pesach, if one would use electric lights for Shabbos, since the main mitzvah is for there to be light and there is light one can make a *berachah* and be *yoitsa* his *chiyuv* of lighting Shabbos candles.

The above is all good for Shabbos and Yom Tov, however, by Chanukah, the mitzvah isn’t just to have light, an act of kindling is also required in order to fulfil the mitzvah and turning on an electric bulb is not considered an act of kindling. He brings a *rayah* that an act of kindling is required from the fact that the *Shulchan Aruch paskens*, if a *cheresh*, *shoteh* or a *kotan* light the *menorah* one isn’t *yoitsa*.

Although R’ Tzvi Pesach asserts that turning on an electric bulb isn’t considered to be an act of kindling. This opinion is rejected by most *poskim*, most prominently Rav Chaim Ozer Grodzinski (*Achiezer* 3:60).

Rabbi Eliezer Waldenburg's approach

R' Waldenburg starts off explaining that the fact that using an electric light is not similar to the *menorah* of the *Beis HaMikdosh* makes no difference and he brings many *rayos*. The *Shulchan Aruch paskens* that all wicks and oils can be used for lighting *menorah*, olive oil is best, but all oils are Kosher. Similarly the *Rema paskens*, one can use wax. We see clearly that one doesn't have to use olive like in the *Beis HaMikdosh*.

Then he brings a *Shu"t Beis Yitzchok* who says that one can be *yoitsa* lighting Chanukah candles using a flame which burns without any wicks, again we see it doesn't need to be like the *Beis HaMikdosh*.

Then he says, perhaps one can be *yoitsa* with a flame without any wicks, but who says one can be *yoitsa* with a wick without any oil (a light bulb) especially as the main miracle of Chanukah was through using oil? To which he says, from the fact that we see one can be *yoitsa* with wax, we see the main thing is that there is a light lit and a publicizing of the *nes* of Chanukah.

R' Waldenburg then brings a *Shu"t Shev Yaakov* (1:50) who offers an answer to the famous question of the *Shaar Efrayim*. The *Shaar Efrayim* asks, why is it *mutar* to use *shemen serafah* [oil that is supposed to be burnt] for *neiros* Chanukah, we *pasken* that the Chanukah candles need to be a certain size and since *shemen serafah* is supposed to be burnt we should apply the principle of *כתותי מיכתת שיעורא*, we should treat it already as if it is nothing?

The *Shev Yaakov* answers, since *neiros* Chanukah are for *pirsumay nisa*, and *מצות לאו* ניתנו ליהנות – *mitzvos* aren't given for personal benefit, one is allowed to use *shemen serafah*. True it's supposed to be burnt and we should apply the rule of *כתותי מיכתת שיעורא*, but in the end of the day people have seen the candles burning and it has created a *pirsum hanes*, therefore, one is *yoitsa* his *chiyuv*.

We see from the above, that the main *mitzvah* is neither the oil or the wicks, but the *pirsumay nisa* of the *menorah* being lit for half an hour.

Since the main *mitzvah* is the *pirsumay nisa*, there is no problem if the *menorah* we light on Chanukah isn't similar to the *menorah* of the *Beis HaMikdosh*.

The *Tzitz Eliezer* (1:20:12) then suggests a different reason why perhaps incandescent bulbs are unsuitable for use as Chanukah lights. He suggests since the bulb's filament is shaped like an arc, and the halachah does not permit Chanukah lights to be arranged in a round shape (*Shulchan Aruch* 671:4) perhaps it's a problem. However, one could argue

against this reasoning and say that this ruling is inapplicable to a single circular filament and is limited to a collection of candles or lights.

Many *poskim* are against using electric lights as they differ significantly from the *menorah* in the *Beis HaMikdash*

Although the *Tzitz Eliezer* wasn't concerned about the fact that the use of electric lights isn't similar to the *menorah* of the *Beis HaMikdash*, many other *poskim* in fact disqualify the use of electric lights because of this very reason. Among the prominent differences are that electric lights do not have a flame, no fuel is consumed, no fuel supply is present at the time of lighting, and that electric bulbs contain a glowing filament which is not a conventional fire. Other differences include the lack of a wick in electric lights and that they are dependent on not-yet produced fuel. While each of these differences alone might not be significant (or even technically correct), the sum total of these differences motivates almost all *poskim* to prohibit the use of an electric *menorah*. The most prominent amongst these *poskim* is Rabbi Shlomo Zalman Auerbach who emphasizes the differences between electric lights and the *menorah* and *paskens* that an electric *menorah* is unacceptable for Chanukah use.

Electric lights don't have the required amount of oil needed

Another argument mentioned in the *poskim* is that electric lights lack the required amount of oil need to last at least half an hour.

It is possible, however, that this obstacle can be overcome by using a flashlight or a battery-operated *menorah*. In fact, the Sephardic Chief Rabbi of Tel Aviv, Rav Chaim David Halevi writes that a person who finds it impossible to light Chanukah candles, such as an airplane passenger, should light electric lights without a *berachah*.

Rabbi Halevi adds that if after lighting a battery powered flashlight for use as Chanukah light, one has an opportunity to light oil or wax candles, he should do so with a *berachah*.

Other *poskim* however, argue, and say that in such a situation one shouldn't make a *berachah*. This is presumably based on the rule of *sofek berachos lehokel*, that when one has a doubt whether to make a *berachah* or not we rule leniently and say he shouldn't.

The *Piskei Teshuvos* (673) *paskens*, that if one has no other option he can use an electric light, preferably a battery powered one, and he can light with a *berachah*. According to the *Piskei Teshuvos*, certainly if one would be able to light using normal candles later he wouldn't make a *berachah* again.

This also appears to be the opinion of Rav Chaim Ozer Grodzinski who writes “on the issue of electric *menorah* lights, olive oil is the preferred form. This is particularly true in light of the *Rema's* rule that one should light in a place in which it is clear that he is lighting for Chanukah, hence it would seem that one should undoubtedly make great efforts to insure that he lights with oil or wax candles.” It seems from this statement that one fulfills, at least minimally, his obligation to light Chanukah candles with electric lights. Therefore, in the situation described by Rav HaLevi, it would seem that it would be best to light a second time without a *berachah*.

It should be emphasized that this discussion applies only to light in which a metal filament glows, such in an incandescent bulb. However, fluorescent, LCD, or LED lights would undoubtedly not fulfil the mitzvah to kindle the Chanukah lights, because these lights are “cold” (i.e. do not contain a heated filament) and hence are not considered fire.

R' Shlomo Zalman's approach

R' Shlomo Zalman offers another reason as to why an electric *menorah* is no good. He argues, that only when one turns on an electric light is one considered to be doing an act of lighting. However, once the electric light is lit it is dependent on more current being generated to keep it lit. This is not considered that the light is being caused to burn by the one who turned it on. This is because only by oil or wax candles can one be considered to be responsible for its burning for the entire time it burns. These candles do not require human intervention to keep them burning. Hence electric lights would be unacceptable for Chanukah lights because one must light a candle with an act of kindling that will last for at least half an hour. By electric lights only for the moment that one turns on the light it is considered an act of lighting. This argument, however, does not apply to battery operated lights.

What comes first on *motzei Shabbos Chanukah, havdolah or lighting menorah:*

Both *rishonim* and *achronim* have argued about what should be done first on *motzei Shabbos Chanukah*, making *havdolah* or lighting the *menorah*. This *machlokes* [argument] is recorded as early as the thirteenth century by the Meiri (*Shabbos* 23b). The above is a situation of competing halachic concepts and the *poskim* have argued at length as to which one has priority.

The competing concepts

On one hand, one could argue that *havdolah* should be performed first because of the principle of תדיר ושאינו תדיר קודם – “the activity that is performed more often should be performed first” (*Zevachim* 89a). The above has roots from the Torah, as the Torah

teaches that the *korban tomid* [the daily communal sacrifice] should be offered before the *korban Mussaf* [special sacrifice brought on Shabbos, Rosh Chodesh, and Yomim Tovim]. The Torah (*Bamidbar* 28:23) even teaches why the *korban tomid* is offered before the *Mussaf*, because the *korban tomid* is offered more often (see *Zevachim* 89a).

[I once saw a reason brought down for the above concept from R' Aharon Lichtenstein. He said: We tend to cherish events that occur infrequently, because it constitutes a break from the daily routine. The Gemara in *Megillah* (21b) writes that people find *Megillah* reading and the recitation of *Hallel* more “beloved” than *krias* haTorah. We tend to be more excited about a once a year visit to a beloved aunt or uncle than seeing our immediate family every day. However, the people and events that are part of our daily existence are often more important than those that we encounter infrequently. The man who spends a considerable amount of time every day with his children but does not take them on a spectacular vacation is a far superior father than one who spends little time with his children almost all of the year but takes them for a fancy vacation one week a year. Similarly, the activity that we perform more often has priority over the less frequently performed mitzvah.]

There are numerous applications of the “*todir*” concept. During the week we put on our *tallis* before *tefillin* partly due to this concept (see *Beis Yosef, Orach Chaim* 25). In kiddush we say the *berachah* of *hagofen* before the *berachah* of *kedushas hayom* due to this concept (*Pesachim* 114a). On Rosh Chodesh Teves we lein the portion of Rosh Chodesh before the portion of Chanukah due to this concept (*Tosfos, Shabbos* 23b). The *Mishnah Berurah* (52:5) brings a *Chayei Adam* who *paskens* that if one arrives late to *shul* on Shabbos morning, he should skip the added sections of *pesukei dezimra* for Shabbos in favour of the portions of *pesukei dezimra* that we recite daily due the “*todir*” concept.

Although the “*todir*” concept is commonly applied, there are notable exceptions. For example, the *Shulchan Aruch (Orach Chaim* 643:1) *paskens*, that the *berachah* of *leisheiv basuccah* precedes the *berachah* of *shehechayonu* on Succos. Moreover, *Tosfos* (Shabbos 23b) points out, that the “*todir*” concept only decides which mitzvah should be performed first, however, it doesn’t decide which one of two *mitzvos* should be performed when only one of the two *mitzvos* can be performed.

Afukei yoma me’acharinon

On the other hand, there is a competing concept to the “*todir*” concept. There is another concept known as *afukei yoma me’acharinon*, we seek to prolong our observance of Shabbos. For example, when Yom Tov occurs on *motzei* Shabbos, we recite kiddush before *havdolah* because of this principle (*Pesachim* 102b-103a). The *Terumas HaDeshen* (60)

paskens that *sefiras ha'omer* should be recited before *havdolah* because of this concept. The *Shulchan Aruch* (O.C. 489:9) *paskens* in accordance with the *Terumas HaDeshen*, and the *Mishnah Berurah* doesn't record any dissenting opinion. Similarly the *Rema* (O.C. 693:1) *paskens*, based on this concept (see *Mishnah Berurah* 693:3), that we should first read *Megillas Esther* and only later recite *havdolah*. Again, the *Mishnah Berurah* doesn't record any dissenting opinions.

Pirsumay nisa

One might argue that *havdolah* should come first as *havdolah* is *de'O'raisa* (at least according to the Rambam, *Hilchos Shabbos* 29:1) whereas lighting *menorah* is only a mitzvah *de'rabbanon*. This argument might not be so true however, as the Gemara writes that *neiros Chanukah* take precedence over kiddush (which is also *de'O'raisa*) according to the Rambam). The Gemara says, if one only has sufficient funds to purchase either *neiros Chanukah* or wine for kiddush, he should purchase *neiros Chanukah* as they serve to publicize the miracle of Chanukah (*pirsumay nisa*). However we could be *madcha* [push aside] this proof, as true the Rambam says kiddush is *de'O'raisa*, but he learns the actual making kiddush on wine isn't *de'O'raisa*. Nonetheless, the Gemara does indicate the elevated status of Chanukah because of its role "to publicize the miracle." Indeed, the Rambam (*Hilchos Chanukah* 4:12) writes, "The mitzvah of *neiros Chanukah* is exceedingly beloved and one must exercise care about it, in order to inform people of the miracle and contribute to the offering of praise and thanks to Hashem for the miracles he has made on our behalf."

The different opinions – *Rishonim*, *Shulchan Aruch* and *Nosai Keilim*

The Meiri (Shabbos 23b) brings a *machlokes rishonim* about whether *neiros Chanukah* should be lit before or after *havdolah*. The Meiri writes, that the *minhag* in his locale was to light *neiros Chanukah* first. He explains that on *motzei Shabbos* we light *neiros Chanukah* after the optimal time and we try to light as soon as possible to minimize the delay.

The *Terumas HaDeshen* (60) and other *rishonim pasken* that in ***shul*** one should light *neiros Chanukah* first because of the rule of *afukei yoma me'acharinan*. Another reason mentioned for lighting *neiros Chanukah* first is due to its *pirsumay nisa*.

On the other hand, the Raavad (*Tomim Deim* 174) and a number of other *rishonim pasken* that *havdolah* should be recited first. Among the reasons these *rishonim* offer is the concept of "*todir usheino todir todir kodem*" and that it is inappropriate to light the *neiros Chanukah* before reciting the *berachah* on light within the framework of *havdolah*.

The *Shulchan Aruch* (*Orach Chaim* 681:2) *paskens* that *neiros* Chanukah should be kindled in *shul* before *havdolah*. The *Rema* adds that one should also light *neiros* Chanukah before reciting *havdolah* at home. The *Taz* (O.C. 681:1) argues vigorously and at great length, that one should first say *havdolah* when lighting at home. The *Taz* emphasizes the importance of the rule of “*todir usheino todir todir kodem*”, noting that this rule is from the Torah.

The *Taz* seeks to prove from various Gemaras that the “*todir*” rule enjoys precedence over the principle of “*afukei yoma me’acharinan*”. Moreover, the *Taz* argues that one does not extend Shabbos by lighting *neiros* Chanukah first, as kindling *neiros* Chanukah is forbidden on Shabbos. The reason for “*afukei yoma me’acharinan*” is that we don’t want to treat Shabbos as a burden that we are eager to shed. However, when one lights his *neiros* Chanukah he has, by definition, completed Shabbos. Thus, one does not accomplish “*afukei yoma me’acharinan*” by lighting *neiros* Chanukah before *havdolah*. This, explains the *Taz*, is what distinguishes *neiros* Chanukah from *sefiras haomer* and *krias megillah*. The latter two activities are not forbidden to perform on Shabbos and thus one legitimately delays the termination of Shabbos by performing these *mitzvos* first.

Contemporary Poskim

The Chazon Ish, Rav Henkin, Rav Moshe Feinstein, Rav Vosner and Rav Ovadia Yosef all personally made *havdolah* first, while the Tukachinsky Luach Eretz Yisrael, Rav Shlomo Zalman Auerbach, and Rav Elyashiv *paskend* that *neiros* Chanukah should be kindled first.

In fact, Rav Shlomo Zalman and Rav Elyashiv held so strongly of lighting the *menorah* immediately after Shabbos that they *paskened* that even those who normally wait 72 minutes for Shabbos to end (the Rabbeinu Tam *zman*) should not do so on *motzei* Shabbos Chanukah; rather they should end Shabbos at an earlier *zman* and immediately light the *menorah*, followed by *havdolah*. This is also how the Chazon Ish and Steipler Gaon personally were *noheg* on *motzei* Shabbos Chanukah. (Although they personally made *havdolah* first, they still would perform both before the Rabbeinu Tam *zman* on *motzei* Shabbos Chanukah.)

On the other hand, Rav Moshe Feinstein, Rav Moshe Shternbuch, and Rav Ovadia Yosef argue on the above and maintain that those who normally wait 72 minutes should do so as well on *motzei* Shabbos Chanukah, and only then light the *menorah*.

However, a further qualification is made by Rav Moshe Shternbuch, that even according to those who hold to make *havdolah* first, nevertheless, if the setup and making *havdolah* would delay lighting *menorah* more than a half hour after nightfall, then it would be preferable to light the *menorah* first, to ensure that one does not miss an opportunity for the optimal time of lighting the *menorah*.

[In his classic *sefer Mitzvas Ner Ish U'Baiso* (vol. 1, Ch. 10, footnote 20) Rav Eliyahu Schlessinger suggests that the difference of opinion is dependent on the locale. In Yerusholayim, where the common *minhag* is to light the *menorah* outdoors, the *inyan* of *pirsumay nisa* still exists. Consequently, the delay in lighting while making *havdolah* might somewhat lessen the potential *pirsumay nisa*. That is why many Yerusholayim-based *poskim* maintained preference for lighting before *havdolah*, while other *poskim*, from Bnei Brak and *Chutz La'arets*, where the *minhag* is to light indoors, did not feel this pressing need to mandate lighting the *menorah* at the earliest possible moment, while there still is the mitzvah of *havdolah* to perform.

In shul we light the menorah first

The accepted practice for a *shul* is to first light the *menorah* and subsequently perform *havdolah* (*Biur Halachah* 681 and Ben Ish Chai *Parshas Vayeshev* 21). In *shul*, only one person kindles the *menorah*. Thus, when we light the *menorah* first in *shul*, Shabbos is prolonged for everyone except for the one who lit the *menorah*. Moreover, the *Aruch HaShulchan* (O.C. 681:2) explains that since a great *pirsumay nisa* occurs when lighting a *menorah* in *shul*, there is more reason to light the *menorah* first in *shul* than there is at home.

Rav Yosef Dov (JB) Soloveitchik (cited in *Hararei Kedem* vol. 1, 185) gives a fascinating explanation why everyone agrees that in *shul menorah* lighting is performed prior to *havdolah*. The public Chanukah lighting in *shul* is *chovas hatzibbur*, a communal obligation, to publicize the Chanukah miracle. However, generally speaking, once *Maariv* ends, the congregants are no longer considered a *tzibbur*, as they already finished their communal obligation for *tefillah* and individually head home. Yet, on *motzei* Shabbos, even after the conclusion of the actual *tefillah* of *Maariv*, they are still considered a *tzibbur*, until *havdolah* is made - as it is considered a communal *havdolah*. Hence, on *motzei* Shabbos Chanukah, the *shuls* communal lighting of the *menorah* must take place prior to the communal *havdolah*, in order to ensure that they are fulfilling the *chovas hatzibbur*, while still maintaining *tzibbur* status.

What should one do at home?

The *Mishnah Berurah* concludes: כמר עביד דעביד כמר עביד – “one can choose to follow whichever opinion he wants.” Accordingly, even if you have a *minhag* to light the *menorah* first while your neighbour is busy making *havdolah* first, both of you should realize that both are equally *halachically* valid opinions.

It is told that Rav Yosef Chaim Sonnenfeld used to ask his wife to prepare his *menorah* for him on *motzei* Shabbos Chanukah outside his house (observing *minhag* Yerusholayim)

while he was still in *shul*. This way, when he came home, he would not have to enter into this *machlokes haposkim* and decide which opinion to follow, but rather immediately light the *menorah* (before *havdolah*) before actually entering his house, in order not to “pass over a mitzvah”.

It is reported that Rav Yisroel Yaakov Fischer had an interesting *minhag* as well. If *motzei* Shabbos Chanukah fell out in the first half of Chanukah and he was therefore able to prepare the *menorah* on *erev* Shabbos for *motzei* Shabbos (meaning set up the full amount needed for both days in his one *menorah*), he would light the *menorah* first, as soon as he would arrive home from *shul*. However, if *motzei* Shabbos Chanukah fell out in the second half of Chanukah, and he would need to set up the *menorah* on *motzei* Shabbos itself, he would first make *havdolah* and only then prepare and light his *menorah*.

Don't mix and match

The *Melamed L'Hoyil*, wrote an interesting *Teshuvah* (*Orach Chaim* 1:122) relating a personal anecdote. Apparently, after following the *Taz's* approach of making *havdolah* first for twenty-five years in his role as the Rov of Berlin, one *motzei* Shabbos Chanukah he decided that he was going to follow the *Rema's* opinion and light the *menorah* first, as it was getting late. As he was about to light, he suddenly remembered that he had uncharacteristically forgotten to say “*atah chonantanu*” in *Maariv*, and technically had not yet ended Shabbos. He realized that according to the *Magen Avraham*, he was now **required** to make *havdolah* before lighting the *menorah* (not like the *Mishnah Berurah* 681:2). He understood that he was receiving a Heavenly sign from Above. Thus, he concluded, as should we all, that although both positions might be officially correct, with many great *halachic* authorities through the generations to rely upon for whichever opinion one chooses to follow, nonetheless, it is improper for one to change his longstanding *minhag* without strong reason.

There is a related story told of Rav Avrohom Pam (*Artscroll* biography “Rav Pam” p.141) who was well known for his sensitivity and concern for others. He originally followed the opinion of the *Rema*, and on *motzei* Shabbos Chanukah would light his *menorah* before making *havdolah*. One year one of his young children protested, claiming “I don't care what you do - I'm not lighting my *menorah* before *havdolah*”. Rav Pam perceived right away what was troubling his son: How can one kindle a fire before properly reciting *havdolah*? Wasn't it still Shabbos? Rav Pam realized that no matter how well he could justify his actions, explaining that one may engage in activities forbidden on Shabbos after reciting the formulaic insert “*atah chonantanu*” in *Maariv* or “*hamavdil bein kodesh l'chol*”, still, he was concerned that his son might come away with a lessened appreciation of the severity of Shabbos desecration. He therefore immediately agreed with his son,

saying that “from now on, we will do it your way”, and proceeded to recite *havdolah* before kindling the *menorah*.

Sephardim

The *p’sak* of *כמר עביד דעביד כמר עביד*, seems to only apply to Ashkenazim. For Sephardim however, it seems to be that they must make *havdolah* before lighting *menorah* at home (as opposed to *shul*), as virtually all Sephardic *poskim*, including the *Pri Chodosh*, Chida, Ben Ish Chai, *Kaf HaChaim*, Rav Ovadiah Yosef, Rav Mordechai Eliyahu, and the Yalkut Yosef, *paskened* this way.

(*Marek mekomas* for the above, from the section “Contemporary *poskim*” and on, have been taken from a halachic write up about this issue from R’ Yehudah Spitz)

The *minhag* of playing *dreidel* and some related *halachic* issues

Although the main *mitzvos* of Chanukah are lighting *menorah* and saying full *hallel*, there are numerous other *minhogim* associated with Chanukah. Among these is playing *dreidel*.

What is the source for the *minhag*?

It’s difficult to say with certainty when exactly the *minhag* of playing *dreidel* began. The idea is not found in sources from the times of the Gemara or even in sources from the era of *Geonim* and *Rishonim*. The first mention of the *minhag* is by Ashkenazi *poskim* of the Eighteenth Century (though the *minhag* might be older).

The *Minhagei Yeshurun* (no.19, sec. 4) brings, that the *minhag* of playing *dreidel* relates to the time of the Maccabees. It is said that in an effort to circumvent the Greek decree against learning Torah, children learning with their teacher would have a *dreidel* handy to start playing in case the Greeks came upon them while they were learning Torah. They would say that they were not learning but just playing *dreidel*. In commemoration of this element of the Chanukah miracle, the *minhag* to play *dreidel* was adopted.

A similar idea is mentioned by the Sanzer Rebbe in his *Shefa Chaim* (2:283), where he writes: Rather than hiding behind the *dreidel*, our forefathers ought to have proudly declared their commitment to Torah, even in the face of danger. Our playing *dreidel* today, according to this line of thought, is meant to declare our commitment to Torah and *mitzvos* in all circumstances.

Mystical ideas behind *dreidel*

The *Bnei Yissoschar* writes, that the reason a *dreidel* is spun from the top, whereas the Purim *gragger* turned from the bottom, is related to how each of the miracles occurred. On Chanukah the miracle came from above, directly from Hashem. However, on Purim,

the miracles were brought about by the actions of Esther, Mordechai and the Jewish people from below.

Thus, the *dreidel* is spun from the top showing that the miracle came from above, and the *gragger* from the bottom showing that the miracle came from below. The *Bnei Yissoschar*, as well as many others, also suggest different hidden allusions of the letters customarily written on the four sides of the *dreidel* (*nun, gimmel, hei, shin*).

The *Avnei Nezer* brings a more simplistic explanation for the *minhag* to play *dreidel*. He says, the *minhag* evolved from the special atmosphere of Chanukah, when all members of the family get together for lighting the candles so as to publicize the miracle. To ensure that the children would not fall asleep, the *minhag* became to play *dreidel*.

Whatever the reason and source, it is clear that playing *dreidel* has become a popular *minhag*.

Minhag Yisroel Torah

Although *dreidel* is only a game, we find that the Chasam Sofer used to participate in the *minhag*, and play during Chanukah with a silver *dreidel* he owned (*Eleph Kesav*, Vol. 1, no. 396). According to another source, the Chasam Sofer would take out his *dreidel* when guests would visit him on Chanukah, and invite them to spin it so as to fulfill the custom (*Edus Le-Yisroel*, Vol. 17, p. 1).

The *Peleh Yo'etz* (p. 90) notes that many Rabbonim of Ashkenaz played *dreidel* on Chanukah, to publicize the miracle.

In Chassidic circles the *dreidel* was treated with utmost respect, and many authorities write of the secrets latent in it. In his *Hilchos Chanukah* (1:2), for instance, Rabbi Nossan of Breslov writes how the idea of the *dreidel* is to “descend in order to ascend,” allowing the righteous to reach a unique elevation on Chanukah.

How to play *dreidel*

In Eretz Yisroel, the four letters of the *dreidel* are *nun, gimmel, hei, and pei*, alluding to the words *nes godal hoyo poi* – “a great miracle took place here.” Outside of Eretz Yisroel, the four letters of the *dreidel* are *nun, gimmel, hei and shin*, alluding to the words *nes godal hoyo shom* – “a great miracle took place there.” At the same time, the four letters stand for instructions for the players of the *dreidel* game.

To play *dreidel*, two to four players each get a handful of pennies, chocolate money, peanuts, or anything else used as a token. The remainder of the pot is left in the middle.

Someone spins the *dreidel*, and depending on what letter the *dreidel* lands on, he or she will:

NUN – Lose the turn; the *dreidel* gets passed to the next player.

GIMMEL – Win all the pot.

HEY – Win half the pot.

SHIN (or *PEH*) – Lose all or one of his coins.

The instructions derive from the German or Yiddish words implied by the respective letters: G, H, N, S – G=*ganz* (all), H=*halb* (half), N=*nischt* (nothing), S=*schict* (put). The *dreidel* continues to be passed around the circle with each player spinning in turn until one player has won everyone's tokens.

The nature of the game raises two principal issues: playing *dreidel* on Shabbos, and the general issue of gambling.

Playing games on Shabbos

Is one allowed to play any game on Shabbos?

The Gemara (*Eruvin* 104a) brings down an *issur* against playing on Shabbos with nuts and apples, which were used in the times of the Gemara for games like marbles are used today. Initially, the Gemara suggests that this is forbidden because of the noise produced when the nuts strike each other. Ultimately, however, the Gemara concludes that playing these games are forbidden because of the concern that the one playing with the nuts or apples might smooth out the ground to make them roll better, which constitutes a Shabbos violation.

The *Shulchan Aruch* (*Orach Chaim* 338:5) brings the above *issur* and mentions the reason for the *issur* is that one may smooth out the earth. The *Rema* speaks out, since the concern is smoothing the earth on the ground, the *issur* applies only to games played on unpaved ground. It does not apply to games played on tables, tiled floors or pavement. The *Mishnah Berurah* (308:158) applies the same *issur* to outdoor ball games.

In fact, we find in the Yerushalmi (cited by the *Beis Yosef* 308) that one of the reasons offered for the destruction of a certain town (at the time of *churban Bayis Sheini*) is that they used to play ball, which the *meforshim* interpret as playing on Shabbos (see *Eichah Rabba*, *Eichah* 2:2). According to the *Roke'ach* (55), the problem in this is that people spent their time playing games rather than in learning Torah and other pursuits worthy of the holy Shabbos.

Based on this idea, some *poskim* write that it is forbidden altogether to play games on Shabbos, including even games such as chess, checkers (draughts) and other board games (see *Chida, Orach Chaim* 338:1). The majority of *poskim* reject this stringency, and permit games on Shabbos provided they don't involve monetary transactions (*Rema* 338:5; *Maamar Mordechai*; see *Mishnah Berurah* 21, citing also from *Mahara Sasson* who is stringent).

It is interesting to note that the *Chida* actually observes that certain Rabbonim he knew about would play chess on Shabbos, indicating that the practice is permitted. Yet, he speculates that perhaps these Rabbonim suffered from a kind of depression and felt the need to engage in some form of entertainment to overcome their mood.

Dreidel on Shabbos

Concerning playing *dreidel* on Shabbos, a number of *poskim* write that it is permitted to do so (even outdoors), for there is no concern about smoothing out holes (see *Ohr Yisroel* on Chanukah, Chap. 1 note 85, citing from Rav Nossan Kopschitz and from Rav Elyashiv). The *Chut Shoni* (p. 304) adds that there is no concern about *muktzeh*, even though the *dreidel* is played in a money context during the week.

The *Rema* permits playing games on Shabbos, provided that they are not played for the purpose of a financial gain. With regard to *dreidel*, it's possible that even if the game is played for gain, there is still no *issur*, since such gain is not permanent. Its entire purpose is for the game. If at the end of the game the entire pot is returned for the benefit of all, this shows that there is no real gainful purpose involved.

This lenient *pask* was given by Rav Shlomo Zalman Auerbach (*Shulchan Shlomo*, 338:5; *Shemiras Shabbos Kehilchasa* 16:32 writes that one should preferably avoid the practice).

Dreidel gambling

Is it permitted to actually gamble with the *dreidel* during the week, as was the custom in the olden days (when they used to play a gambling game known as teetotum, where they would spin a four-sided spinning top, very similar to *dreidel*, some even say this is where the *minhag* of playing *dreidel* came from)?

The Mishnah in *Sanhedrin* (24a) lists a number of individuals whose *eidus* [testimony] is not accepted in *Beis Din*. One of these is a person who is משחק בקוביא – “one who plays with dice”. The Gemara brings two opinions as to why his *eidus* is not accepted.

Romi Bar Chama explains that this type of gambling is an *asmachta* – “reliance”. When a person gambles, he does so under the assumption (reliance) that his gamble will pay off

and that he will win, and the very realistic chance of losing does not occur to him. If he does end up losing, he parts with his money against his will. Consequently, money acquired through such activity is considered stolen, which invalidates the winner as a kosher *eid* [witness].

Rav Sheshes, however, argues and says that the problem of משחק בקוביא in the Mishnah is not *asmachta*, and that a one-time act of gambling is not prohibited. The problem is merely with a professional gambler who does not contribute to society in general. He does not participate in עולם של עולם – “in the settlement of the world”. This itself is a sufficient cause to invalidate his *eidus* in *Beis Din* (since he does not support himself like a normal member of society, the way he values money may be distorted).

One difference between the two opinions is whether it is permitted to engage in a casual game of *dreidel* or to buy one lottery ticket or an item at a Chinese auction. According to the logic that the winner has committed a theft, *dreidel* might be prohibited even on a one-time basis. If, however, the problem only applies to one who makes his livelihood in this manner, then playing *dreidel*, buying one lottery ticket, or participating in a Chinese auction will be permitted.

Halachah *lemaseh*

The Rosh rules leniently like Rami Bar Chama, whereas the Rambam (and other Sephardi *poskim*) seem to rule like Rav Sheshes. Both of the above are brought down by the *Shulchan Aruch* (*Choshen Mishpot* 207:13), who appears to rule stringently, and the *Rema*, according to whom there is room for leniency (in a case of gambling where the result is not in the hands of the gambler).

For Sephardim, Rav Ovadia Yosef (*Yabia Omer* 7:6) *paskens* that it is forbidden to buy lottery tickets: “The *halachic* conclusion is that Sephardim ... are prohibited to purchase lottery tickets.” The same will apparently apply to playing *dreidel* where the winner keeps the winnings.

It should be noted that many argue on the above *psak*, even for Sephardim, citing a number of precedents for lotteries in halachah (see, for instance, *Shu”t Chavas Ya’ir* no. 61 and *Shut Peri Ha’etz* Vol. 2, no. 15, both of whom discuss lotteries without mentioning the prohibition of gambling). It is possible that even if gambling is forbidden, a lottery is permitted, because in the case of a lottery the money is pooled together and no individual is taking the other’s money.

In playing *dreidel*, it is therefore possible that if the money is pooled together first, and only later distributed for playing, all will agree that the practice is permitted (see *Rema* 207:13).

Permitted gambling

Two permitted forms of gambling are suggested. Rav Moshe Shternbuch (*Teshuvos VeHanhagos* 4:311, based on *Rema* 207:19) writes, since the primary concern in gambling is that the loser does not willingly give over his losses, when playing to benefit *tzedakah* this is not a concern. Where he has a mitzvah of giving *tzedakah*, we assume the loser willingly gives up his losses.

A similar *heter* is suggested when playing with small amounts, as in a casual Chanukah game with friends and family. Since it is in the spirit of the day, it can be assumed that everyone involved wholeheartedly relinquishes any money they might lose (see *Nitei Gavriel, Hilchos Chanukah*).

In spite of this, the *sefer Customs of Maharitz Ha-Levi* (Chanukah) cites Rav Yosef Tzvi Ha-Levi Dunner that the *minhag* among Ashkenazic communities is to play specifically with nuts and almonds (and the like) and not with money, so as to avoid teaching children bad monetary habits. He proceeds to note that even if it is permitted to gamble in this way, it remains better to avoid the practice.

(The above was mostly taken from a *halachic* write up written by HaRav Yehoshua Pfeffer)

Where should a yeshiva bochur light menorah?

One of the fascinating issues that affects many thousands annually is the issue of where the proper place for a *yeshiva bochur* to light *menorah* is. The concept of having a *yeshiva* where *bochurim* not only eat but also sleep in is relatively recent, and therefore, there is not much early halachic discussion about it. What should they do?

If one eats in one place and sleeps in another where should he light menorah?

Contemporary *poskim* try to resolve the *shailah* by comparing it to other cases in halachah. One relevant *machlokes* is that of where a guest who generally eats at another's house but comes home to sleep, is supposed light his *menorah*.

The *Shulchan Aruch* (*Orach Chaim* 677:1) *paskens*, that a guest (*achsanoi*) is required to light his own *menorah* or at least contribute to the host's *menorah* expenses. However, if this guest, even a son who's by his parents, has his own apartment (that opens to a public thoroughfare) where he sleeps, then he must light his *menorah* there.

The reason is because of *chasad* [suspicion]. People on the street will walk pass this apartment and will notice whether there is a *menorah* lit or not, and if they don't see a

menorah, they will suspect that he did not light a *menorah* at all, not realizing that he eats his meals out and possibly would have kindled where he ate. Accordingly, it would seem that the place where one **sleeps** is considered his key “dwelling place”.

However, the *Rema* asserts that one should light his *menorah* in the place where he eats. He explains that “nowadays” since we light indoors, the *pirsumay nisa* engendered by lighting *menorah*, is no longer meant for random people who walk past, but rather for the people living in the house. If so, there is no reason to be worried about *chashad*, as his family and friends would know that he eats in one place and sleeps in another. Therefore, he rules, that such an *achsanoi* would light his *menorah* where he **eats**, and not where he sleeps.

Many *poskim*, including the *Bach*, *Magen Avraham*, *Taz*, *Pri Chodosh*, *Pri Megadim*, *Chayei Adam*, *Aruch HaShulchan*, and *Mishnah Berurah*, all agree with the *Rema*, that a guest who eats in one place yet sleeps in another, should light his *menorah* where he eats. The *Taz* adds proof to this from the *halachos* of *eruvei chatzeiros*, where we find that the main dwelling place of one who sleeps in one location but eats in another, is considered where he eats.

Accordingly, it would seem that a *yeshiva bochur* might fit into this category, as he (hopefully) eats in a different location than where he sleeps. Accordingly, it should come out that we go like the *Rema* and since a *bochur* eats in the *yeshiva* dining room it would seem the proper place for him to light is in the *yeshiva* dining room.

This is in fact how the Chazon Ish, Rav Aharon Kotler, Steipler Gaon, Rav Yaakov Kamenetsky, Rav Yaakov Blau, and Rav Asher Weiss all *pasken*.

[The Chazon Ish and Steipler Gaon qualify their ruling, maintaining that if the *bochurim* can eat two of their daily meals in their dorm rooms during Chanukah, then it would be preferable for them to light there.]

Many *poskim* question the application of the halachah of a guest pertaining to an average *bochur*

The *poskim* bring many reasons as to why perhaps we can't compare a *bochur* to an average guest:

1) A *bochur's* “dwelling place”, i.e. where he feels “at home” and considers his own personal place, storing all of his belongings, etc. is in his room, and not in the *yeshiva's* communal dining room.

2) *Bochurim* have no personal stake in the dining room; they eat and leave, similar to a restaurant. Therefore, many consider it a stretch to consider a dining room as a *bochur's* "prime dwelling place".

3) Many *yeshiva* dining rooms are locked throughout the day and only open mealtimes. How can it possibly be considered someone's personal place if he is denied entry most of the time?

4) It is possible that a *yeshiva bochur's din* is more comparable to the case of the shepherd (or *talmid*) that lives in the field yet eats at someone's house, that for him, regarding the *halachos* of *eruvei techumin*, the *techum* follows the place where he **sleeps**, and not where he eats.

[However, Rav Asher Weiss (*Kuntros Minchas Asher B'Hilchos Chanukah* 5772,5,2) points out that the *Magen Avraham* (*Orach Chaim* 370:10), when citing this ruling, concludes with '*tzorich iyun*', which both the *Machatzis HaShekel* and *Pri Megadim* understand to mean that the *Magen Avraham* himself was unsure if this rule that applies to *eruvei techumin* would apply by *eruvei chatzeiros*. If so, continues Rav Weiss, it certainly would not apply by *neiros* Chanukah!]

5) For those living in Eretz Yisroel, nowadays most people light outdoors, potentially making the *Rosh's* opinion (the *Mechaber*) once again the core ruling. Therefore, *chashad* might once again be a problem. Therefore, one living in Eretz Yisroel should need to light where he sleeps.

Due to these concerns, many contemporary *poskim*, including Rav Moshe Feinstein, the *Minchas Yitzchok*, Rav Shlomo Zalman Auerbach, Rav Yosef Shalom Elyashiv, Rav Shmuel HaLevi Vosner, Rav Moshe Shternbuch, Rav Binyomin Zilber, Rav Yisrael Yaakov Fischer, Rav Nosson Gestetner, Rav Menashe Klein, the *Rivevos Efraim*, and the *Nitei Gavriel*, all *pasken* that the main dwelling of a *bochur* is his room, and that that is the preferred place where he should light his *menorah*. Several of these *poskim* assert, that in order not to come into a *halachic* dispute and to better satisfy all opinions, it is preferable that the *bochurim* should eat at least one meal a day in their dorm room. Others advocate contributing to someone lighting in the dining rooms Chanukah candle expenses, or lighting again there without a *berachah*.

[Although many *poskim* say a *bochur* eating in his room over Chanukah helps make his room his main dwelling place, Rav Moshe Shternbuch (*Mo'adim U'Zmanim* Vol. 8, *Lekutei Ha'aros* to vol. 6, 88) adds, that it should not help if one changes his usual eating place just for Chanukah, as the *halachah* should follow his usual year-round routine as that would be one's "main dwelling place".]

Safety first

Yet, it must be stressed that many of these *poskim* qualify their ruling, explaining that if the *hanhola* of the *yeshiva* forbids lighting *menorahs* in the dorm due to the ever possible threat of fire, ר"ל, and instead order the *bochurim* to light in the dining room, then that is indeed what they must do. Most *yeshivos*, especially in *Chutz La'aretz*, practically follow this *minhag*, and lighting in the dining room is quite common.

The reason is that according to several opinions, the dining room is the preferred locale for lighting; and even according to the majority who argue, nevertheless, most hold that it is still second best. However, Rav Moshe Feinstein writes that it is preferable that different *bochurim* take turns watching the *menorahs* in the dorms to make sure that a fire does not break out.

Sephardim

Sephardi *bochurim* have a slightly different issue. Sephardim follow the *Shulchan Aruch* who *paskens* that only the head of the household, should light one *menorah* for everyone. There is a *machlokes haposkim* as to whether these Sephardi *bochurim* who eat and sleep in *yeshiva* are considered part of their father's household or not.

Many contemporary *poskim*, including Rav Ovadiah Yosef, Rav Mordechai Eliyahu, Rav Ben Tzion Abba Shaul, the *Tefillah L'Moshe*, Rav Ezra Attiah, and Rav Shlomah Zalman Auerbach, rule that a **Sephardi bochur** may not light in his *yeshiva* at all, as he is exempted by his father lighting at home.

However, other Sephardi *poskim*, including the *Yaskil Avdi*, Rav Shalom Mashash, and Rav Yehuda Adess, maintain that a *bochur* living in *yeshiva* is deemed 'his own man' and therefore even a Sephardi *bochur* would be required to light his own *menorah*, or join in with someone else lighting (preferably an Ashkenazic *bochur*) in his *yeshiva*. This is also how many Ashkenazic *poskim* ruled for Sephardim, including the Chazon Ish, Rav Yosef Shalom Elyashiv, the *Oz Nidabru*, and the *Shevet HaLevi*. Rav Wosner adds that it is nevertheless preferable that these Sephardi *bochurim* should have specific intention not be *yotzei* with their fathers' lighting.

Different time zone

Rav Ovadiah Yosef and Rav Shlomah Zalman Auerbach maintain, that even if a Sephardi *bochur* is in a different country and time zone than his parents (i.e. an American Sephardi *bochur* learning in Eretz Yisroel), he nevertheless should still not light his own *menorah*, as he is still considered part of their household, since the father is still sending him allowance, paying his tuition and expenses etc. However, most

other *poskim* (including Rav Ben Tzion Abba Shaul and Rav Mordechai Eliyahu) do not agree, and in this instance maintain that the *bochur* is required to light his own *menorah*. (See *sefer Toras HaYeshiva* (Ch. 12) at length).

Olive oil for the Chanukah candles

After the military victory, Klal Yisroel looked for some *tohar* oil, and they managed to find one small jug which was sealed with the stamp of the Kohen Gadol. In spite of it's small size, a miracle happened and the oil lasted eight days. As a result we celebrate Chanukah for eight days (Shabbos 21b).

The preference of olive oil: Clearer light

Many *poskim*, from the early *poskim* such as the *Roke'ach* (226) to the later *poskim* including the *Mishnah Berurah* (673:4) and the *Aruch HaShulchan* (673:1, 6), note the preference for olive oil over alternatives for lighting the Chanukah candles. The basic ruling of this preference is given by the *Rema* (673:1).

Two reasons are given for the preference for olive oil.

The reason explicit in the Gemara (Shabbos 23a), citing a statement of Rabbi Yehoshua ben Levi, is that olive oil produces a clear light, and is therefore preferable to other oils. Although the statement refers to candle lighting in general (and can be interpreted as a specific reference to Shabbos candles; see *Beis Yosef, Orach Chaim* 264), *Tosfos* notes that the principle applies to Chanukah candles as well. The *Beis Yosef* (673) brings this in the name of the above *Roke'ach*.

This appears to be the rationale behind the ruling of the *Rema*, and the principle is noted by many *poskim* (see *Levush* 2; *Ben Ish Chai, Vayesihav* 1:12, *Chayei Adam* 154:8, *Kitzur Shulchan Aruch* 139:4 – among others). Indeed, the Gaon and the *Pri Chodosh* note that the source of the ruling is the Gemara in Shabbos.

Parallel with the original miracle

Another reason brought down by the *Rema* is from the *Kol-Bo*. The *Kol-Bo* explains that “some light with wax candles... but the preferred method of lighting is with olive oil, since the miracle took place with olive oil.”

This statement clearly implies that even if the light produced by wax candles is no less clear than that produced by olive oil, there remains a preference for olive oil, since the original miracle took place with this type of oil.

The above is also clear from the wording of the *Rema* himself. The *Shulchan Aruch* (673:1) *paskens*, that all oils are acceptable for Chanukah candles. The *Rema* adds: “However, it is

preferable to use olive oil, and if one does not have olive oil one should use oils whose light is pure and clear; and in these places, the custom is to use wax candles, since their light is as clear as that of oil.”

The statement indicates that there are two separate advantages of olive oil. One advantage is the clarity of its light. However, this advantage is had in the use of wax, as well. Olive oil has the additional advantage of having been the fuel with which the Chanukah miracle took place. The *Rema* in *Darkei Moshe* (673), also implies these two separate advantages of olive oil.

It's important to note, the strict halachah is, all oils are kosher for Chanukah candles. One fulfils the *chiyuv* to light *menorah* even if the candle goes out soon after lighting, therefore, one is *yoitsa* even with low quality oils, provided the flame could last half an hour (see *Chayei Adam* 154:8, *Kitzur Shulchan Aruch* 139:4. *Mishnah Berurah* 673:1; *Halichos Shlomah* 2:15:1 footnote 1).

Wax candles

The *Meiri* (Shabbos 21a) speaks out, that from the aforementioned statement of Rabbi Yehoshua ben Levi: *כל השמנים כולן יפין לנר ושמן זית מן המובחר* – “all oils are fitting to be used for to make light, but olive oil is most ideal”, it's clear that the preference includes two distinct points. The first point is a general preference of oil to wax: One should prefer oil over wax candles because the Chanukah miracle took place with oil. The second point is that among oils, one should prefer olive oil, since its light is the clearest.

According to this interpretation, the idea of recalling the original miracle is implemented by any oil, and not necessarily the specific use of olive oil. This is also implied by the wording of the *Mishnah Berurah* (673:4), who writes that there is a mitzvah in using oil over wax because the miracle took place with oil, without mentioning olive oil specifically.

Some *poskim* take this concept a step further, and write that the ruling (of the Gemara and the *Shulchan Aruch*) whereby all oils are acceptable for Chanukah lights is limited to oils, and means to exclude wax candles. Because the Chanukah miracle took place with oil, it follows that all oils qualify for the Chanukah candles, but wax candles do not (see *Shaar HaTzion* 4).

The *Maharal* (*Ner Mitzvah* p. 24) writes that wax candles are disqualified for use as Chanukah candles. He writes, besides for the fact that they aren't similar to the candles that the miracle happened with it is forbidden to use a wax candle for Chanukah candles (and by implication, even for Shabbos candles) because only an oil candle, where the oil is contained by a vessel into which the wick is inserted, is considered a “*ner*.” A wax candle,

which has no vessel (and is rather a lump of wax wrapped round a wick) is not called a “*ner*,” and therefore cannot function as a *ner* Chanukah.

However, this is certainly a minority opinion, and the vast majority of *poskim*, as noted by the above ruling of the *Rema*, maintain that in the absence of olive oil it is perfectly acceptable to use wax candles. The *Eliyahu Rabbah* notes that the prevalent custom (in his times) was to light with wax candles, and this continues to be common in many circles.

Lighting with wax candles is therefore an acceptable but not the most preferred method (see also *Birkay Yosef* 673:4, *Mishnah Berurah* 673:4, *Aruch HaShulchan* 673:6). Those who light with wax candles should prefer long candles, since these are more impressive and respectable (*Magen Avraham* 672:3; *Chayei Adam* 154:21; *Mishnah Berurah* 672:6; the *Chayei Adam* writes that wax candles are only permitted where oil is not available). The *Aruch HaShulchan* writes, that somebody away from home, presumably under circumstances where it is more difficult to light with olive oil, may light wax candles.

There is a discussion amongst the *poskim* if the preference for olive oil applies even for children (under bar-mitzvah). The general consensus in this matter is that children can be given wax candles for lighting even on a *lechatchilah* level (see *Shu”t Shevet HaKehasi* 6:246:1; *Teshuvos Vehanhagos* 3:219:10, *Doleh U’ mashkeh* p. 238).

Using edible oils

The *Kovetz Mevakshei Torah* on Chanukah brings a *chumrah* in the name of R’ Elyashiv, that one should preferably use edible olive oil (oil sold for human consumption), since this is most similar to the oil used in the *menorah* of the *Beis HaMikdash*. Rabbi Moshe Shternbuch brings down a similar idea and he writes that there is a preference for using extra virgin olive oil, which most resembles the oil used for the *menorah* of the *Beis HaMikdash*.

Nowadays, most oils marketed are not fitting to be used in the *Beis HaMikdash* (see Rambam, *Hilchos Issurei Mizbe’ach* 7:10), therefore, the idea of “coming closer” to the form of oil used in the *Beis HaMikdash* – beyond the actual category of olive oil is very difficult. For this reason, a number of *poskim* (including R’ Shmuel Vosner, and R’ Asher Weiss) have *parkened* that one does not need to go beyond the common custom of using regular olive oil (even the kind sold for lighting purposes) for the Chanukah candles.

Using *shmittah* oil

Some *poskim* maintain that one should refrain from using *shemittah* oil – oil produced from olives grown in the *shemittah* year that possess the sanctity of *shemittah* – for Chanukah lighting. The reason for this is that produce from the *shemittah* year is

designated for eating and other benefits, and one is not permitted to benefit from the Chanukah lights (see *Pesachim* 52b; *Shu"t Shevet HaLevi* Vol. 1, no. 184).

However, other *poskim* are lenient on this matter, explaining that the lighting of the Chanukah candles is not categorized as destructive “burning” in this case, since there is a concrete benefit – of publicizing the miracle of Chanukah – from the light of the candles.

Just as it is permitted to use *shemittah* fruit to publicize one’s private business, so too it is permitted to use *shemittah* olives for purposes of publicizing the Chanukah miracle (see *Shu"t Minchas Shlomo*, Vol. 1, no. 42; Vol. 3 no. 122).

Eating doughnuts

Another widespread and enjoyed *minhag* related to oil is eating latkes and doughnuts on Chanukah. This, too, commemorates the miracle that happened with oil, since these items are traditionally prepared with oil (see *Minhag Yisroel Torah* 670, *Nitei Gavriel* 51:12, footnote 13).

In this matter – perhaps thankfully – there is no special *minhag* of using olive oil.

Late menorah lighting and interrupting learning in order to light menorah

The optimal time

Although there is a variety of different opinions on this matter, the optimal time seems to be at *tzeis hakochovim* (see *Mishnah Berurah* 672:1), which for this purpose is approximately half an hour after *shkia*. The *Shulchan Aruch* (*Orach Chaim* 672:2) based on the Gemara in Shabbos states: One may light עד שתכלה רגל מן השוק – “until the last people have left the marketplace”, which is around half an hour after the optimal time for lighting.

Nowadays, there are two reasons why Chanukah candles may be kindled even later than the time mentioned in the Gemara and *Shulchan Aruch*. Firstly, the *Rema* (672:2) brings, nowadays we light inside our homes and the primary audience is our families and not the people passing by our homes. Therefore, today we may light even later than half an hour past *tzeis hakochovim*. Secondly, in today’s modern era the streets are illuminated with electric lights and the last people don’t leave the marketplace until significantly later in the evening and in many places there are people on the streets well into the early hours of the morning. Therefore, it would seem that the *zman* [time] of עד שתכלה רגל מן השוק, nowadays is much later than half an hour after *tzeis hakochovim* (see Rav Moshe Shternbuch’s *Moadim U’Zmanim* 1:141 for further discussion of this issue).

Nonetheless, the *Rema* writes, even in our times one should preferably light at the optimal time for lighting according to the standards established by *Chazal*. Perhaps the reason for

the above is based on the rule of *zerizim makdimim lamitzvos*, that one should perform a mitzvah at the earliest possible time. The *Aruch HaShulchan* (692:4) adds, that *mitzvos* nowadays should be performed in a manner that is as close as possible to the original *takonah* [enactment] of *Chazal*.

Interrupting learning to light the *menorah* on time

I have heard that there are numerous *yeshivos* in America that don't interrupt their learning in order to light *menorah* at the correct time, rather they finish learning the same time as normal and only then do they light *menorah*. Precedent for the above can be found in the Meiri (Shabbos 21b) who writes: וכן נוהגין שם בני ישיבה להדליק אחר שעומדים מבית המדרש – “the *minhag* of *talmidim* in *yeshiva* in France was that they didn't interrupt their daily learning schedule in order to light the *menorah* at the optimal time.”

Rav Aharon Felder (*Moadei Yeshurun* p.8) brings that R' Moshe Feinstein agrees with the above *psak*. He reasons that since essentially one may light late into the evening, there is no need to interrupt *sefer* in order to light at the optimal time. However, halachah *lemaseh*, except for the Meiri there doesn't seem to be anyone else who takes on like this, both the *Mishnah Berurah* and *Aruch HaShulchan* make no mention of such an option.

Why do we interrupt?

It would seem very logical not to interrupt learning just to light at the optimum time, so why is it that most places do interrupt *sefer* in order to light at the optimum time?

It would seem that the *machlokes* about interrupting learning or not in order to fulfill the mitzvah of lighting *menorah* at the optimum time hinges on how one interprets and applies a halachah brought down by the Rambam. The Rambam *paskens*, one may postpone marriage (and his mitzvah of *peru urevu*) in order to be able to continue learning Torah. The *Shulchan Aruch* (*Even HaEzer* 1:3) *paskens* like the Rambam. It seems from here, that the value of learning Torah outweighs the value of *zerizim makdimim lemitzvos* regarding the mitzvah of *peru urevu*. The Meiri, R' Moshe and the *yeshivos* that don't interrupt learning in order to light *menorah* seem to extrapolate from the Rambam that learning Torah always outweighs the value of *zerizim makdimim lemitzvos*. Consequently, *yeshiva bochurim* shouldn't interrupt learning in order to light *menorah* at the optimum time.

On the other hand, all other *yeshivos* that do interrupt learning in order to light *menorah* seem to understand that one may not extrapolate a universal rule from the above Rambam. *Peru urevu* may be different from all other *mitzvos*. By all *mitzvos* a male

becomes obligated to perform them as soon as he turns thirteen, by *peru urevu* however, we find that one is allowed to delay in performing the mitzvah (see *Chelkas Mechokeik* 1:2, *Beis Shmuel* 1:3, and *Pischei Teshuvah* 1:3 for a discussion of this issue). Therefore, even though we find that learning Torah is more important than the timely fulfilment of mitzvah of *peru urevu*, nevertheless, learning Torah may not outweigh the timely fulfilment on lighting *menorah*.

Moreover, we find that in theory (though we don't practice this today, see *Aruch HaShulchan, Even HaEzer* 1:14) if one would devote his entire life to learning Torah and never marry he would be allowed. By *neiros* Chanukah however, we don't find any such *din* and one isn't allowed to forego lighting *menorah* entirely in order to be able to carry on learning. Therefore, perhaps it's this leniency that allows one to postpone the mitzvah of *peru urevu* to be able to continue learning.

Why don't the *yeshivos* that don't interrupt in fact interrupt and simply carry on learning straight after lighting *menorah* at home?

Perhaps the answer is, even if they continue to learn at home, it won't be *talmud* Torah *de'rabbim* [public learning of Torah], and *talmud* Torah *de'rabbim* has a greater significance than *talmud* Torah *de'yochid* [private learning]. Therefore, these *yeshivos* hold, that it's better to learn until the normal conclusion time of afternoon *sefer* and only then light *menorah* in order not miss out on *talmud* Torah *de'rabbim*.

Although there may be a *heter* not to interrupt learning in order to light *menorah*, presumably if the *yeshiva* is all on one campus, i.e. they have on site dormitories, then they should light at the optimum time, and the *bochurim* have to make sure to come back straight after they light *menorah*.

Delaying lighting *menorah* for *sholam bayis*

Rav Yaakov Kamenetzky is cited (*Emes L'Yaakov* p. 254) as *paskening* that one may delay lighting *menorah* until his wife returns from work so that the family kindles the *menorah* together. As a source for this *psak*, he cites the halachah (*Shulchan Aruch* 678:1) that if one has a choice of either lighting a candle for Shabbos or a candle for Chanukah (such as someone who finds himself with only one candle), one should light Shabbos candles. Since Shabbos candles are lit to ensure *sholam bayis*, they override Chanukah candles. If *sholam bayis* overrides Chanukah lighting altogether, it certainly suffices to delay Chanukah lighting (the same thing is said over in the name of the Chofetz Chaim).

Interestingly, Rav Yaakov's ruling states that one may delay lighting the *menorah* until his wife returns from work. Why does Rav Yaakov not also *pasken* that we may delay lighting *menorah* until the husband returns from work? An answer might be that the husband

might not be upset if the family does not wait for him, as it is possible for the family to reassemble when the husband arrives in the house for his lighting. However, this might not be sufficient to avoid the wife being upset (see *Bava Metziah* 59a).

We should note that there might be a problem for the husband to light long after his family has lit, since he could potentially fulfil his basic obligation through their lighting. See the *Rema* (677:3) and the *Mishnah Berurah* (677:16) for a discussion and *psak* concerning this issue.

Zerizim makdimim lemitzvos vs. hiddur mitzvah

If one will only arrive home late at night, is it better that someone lights for him at the optimum time (*zerizim makdimim lemitzvos*), or do we say, since the *Rema* (671:2) says it's preferable (*hiddur mitzvah*) for each family member to light his own *menorah*, one should light himself late at night?

The above question seems very similar to a question that was raised by the Brisker Rov. The Brisker Rov asked: Is it better to take an ordinary *esrog* at the earliest time possible (sunrise) on Succos morning (*zerizim makdimim lemitzvos*), or is it better to wait and take an extraordinarily beautiful *esrog* that one will have access to only later on in the day (*hiddur mitzvah*)?

The above *shailah*, seem to be lie at the heart of the *machlokes* regarding the earliest time to recite *kiddush levonah*. The *Shulchan Aruch* (426:4) *paskens* that one shouldn't say *kiddush levonah* until seven days from the *molad* [birth of the new moon] have passed. The *Mishnah Berurah* (426:20) notes however, that the majority of *achronim* disagree with this and allow one to say *kiddush levonah* after three days from when the *molad* has passed. The Sephardim and Chassidim follow the *Shulchan Aruch*, while Ashkenazim hold that one can recite *kiddush levonah* from after three days from when the *molad* has passed.

The above *machlokes* would seem to hinge on the *shailah* of whether *zerizim makdimim lemitzvos* outweighs the value of *hiddur mitzvah*. Saying *kiddush levonah* on a fuller moon is a more *mehudar* way to fulfil the mitzvah. Yet we find that Ashkenazim prefer to say *kiddush levonah* earlier in the month, therefore, it would seem that Ashkenazim hold that *zerizim makdimim lemitzvos* overrides *hiddur mitzvah*. Chassidim and Sephardim however, who are happy to wait, seem to hold that *hiddur mitzvah* overrides *zerizim makdimim lemitzvos*.

Based on the above it would seem, that if one is Sephardi or Chassidish then he should wait till late at night and light himself, if one is Ashkenazi however, *zerizim makdimim lemitzvos* is more important and he should get someone to light for him.

Besides for the issue of *zerizim makdimim lemitzvos* it would seem there are other benefits to having someone light for him, rather than waiting till late at night to light himself. Firstly, it is questionable whether one is able to make a *berachah* when lighting late at night, when no one is around. The Chofetz Chaim (*Shaar HaTziyon* 672:17) brings various opinions about this and doesn't give a clear cut *psak*. Furthermore, one avoids any problems of eating before performing a mitzvah. Most importantly, he avoids the risk of forgetting to light when arriving home late at night.

The special *horachamon* one says on Chanukah if he misses out Al Hanissim and davening for miracles in general

Gemara in *Berachos* (60a)

The Gemara in *Berachos* (60a) states, that during the first forty days after conception, one may daven that the fetus should be a boy. Post forty days, however, the Gemara writes that this is a *tefillas shov* – a prayer in vain. Since by this time the gender of the infant is already determined, there is no room for such a *tefillah*.

Based on the above Gemara the *Shulchan Aruch* (*Orach Chaim* 230) *paskens*, that one must refrain from such *tefillas*: "Somebody who davens for something in the past, such as somebody who enters a city and hears a cry of anguish, upon which he davens that the cry should not be from his own home, or somebody whose wife is pregnant and is after forty days of conception and davens that his child should be a male – this is a *tefillah* in vain." The *Shulchan Aruch* concludes that a person should "daven for the future and give thanks for the past."

The above Gemara asks that we find that Leah davened for the fetus she was pregnant with to change from a boy to a girl, so that her sister Rochel would be able to bear two sons for Yaakov. The Gemara responds with two explanations: One is that "this was within forty days," and the other is that "even though it was after forty days, we do not learn from miraculous happenings, and the lives of our holy Fathers were all miracles."

It would seem therefore, that we can derive that it is improper to daven for something that is openly miraculous. For a girl to change into a boy (or vice versa) would of course be openly miraculous, and therefore would be considered a *tefillas shov* - a *tefillah* in vain. This explanation (for why we do not daven for a male child forty days after conception) is given by the Vilna Gaon (cited in *Imrei Noam* on the above Gemara), and by the *Bechor Shor* (*Shabbos* 21b; cited by the *Shaarei Teshuvah* 187:2): One should not daven for a miracle that violates the laws of nature.

Distinction between individual and communal miracles

The *Kol-Bo* writes: If a person forgot to say *Al Hanissim* during *birchas hamazon*, he should add a special *horachamon* at the end of *bentching*: הרחמן הוא יעשה לנו נסים ונפלאות כמו ששעשה לאבותינו בימים ההם בזמן הזה (Following this, he should complete the full *Al Hanissim*.)

Not all *poskim* agree with mentioning the above. The Maharam MiRutenberg, amongst others, write that this should not be requested, since it is improper to daven for miracles. However, the *Avudraham* confirms that the *horachamon* is found in the Yemenite siddur. In fact, a similar *tefillah* is mentioned in *Maseches Sofrim*, *Perek 20*. It is also mentioned by the *Rema* (*Orach Chaim* 187:4, 682:1). How can this *tefillah* for miracles be justified, given that we showed above that it is generally wrong to daven for a miracle?

The *Bechor Shor* (Shabbos 21b, cited by *Shaarei Teshuva* 187:2) addresses this issue, and distinguishes between an individual, who should refrain from davening for miracles, and the general community, for whom it is correct to ask for miracles. He explains that the reason one should not daven for miracles is the unworthiness of the petitioner. Since he is not worthy of a miracle, the *tefillah* is in vain and therefore inappropriate. As the *Magen Avraham* (230:1) implies, davening for a late-term baby to change from a girl to a boy is simply davening for something impossible.

By contrast, when it comes to the community as a whole or the entire Klal Yisroel, the davening for a miracle is not in vain, since the collective merits of the entire Klal Yisroel could render them worthy of a miracle.

In a similar vein, the *Bechor Shor* writes that it is therefore permitted for an outstanding individual, somebody who is a *gavra rabbah* [a great person], to daven for a miracle, since his remarkable merit could be sufficient to justify the supernatural. This is in fact how the *Chefetz Hashem* explains the answer of the Gemara that we can't learn a general rule from the behaviour of Leah.

Distinction between public and private miracles?

The *Yeshuos Yaakov* (682:2) suggests a different reason for why it's improper to daven for a miracle. The Gemara in *Taanis* (20b) writes that a person should refrain from deriving benefit from a miracle, and that doing so reduces one's merits. As Rashi writes (*Taanis* 24b), "It is forbidden for a person to derive benefit from a miracle, and if a miracle is performed for him this diminishes his merits."

Based on this assumption, the *Yeshuos Yaakov* distinguishes between a *neis nistar*, a miracle that is hidden, and a *neis nigleh*, a miracle that is open and revealed. Benefiting

from a hidden miracle will diminish a person's merit, and therefore he should not daven for such a miracle. However, a public miracle will not result in a diminishing of a person's merits, since on the contrary, the *kiddush Hashem* involved in the public miracle augments a person's merits.

It is therefore, permitted to daven for a public miracle, which involves a *kiddush Hashem*, and this is what we do in the supplication mentioned by the *Rema*. The *Yeshuos Yaakov* brings a source to his approach from the war fought by Avraham Avinu against the four kings. *Chazal* mention that Avraham was concerned lest his merits should become depleted, yet Hashem comforted him that this was not the case.

A similar approach is mentioned by Rav Moshe Shternbuch (*Moadim U'Zmanim* 2:148), who writes that the *tefillah* in place of *Al Hanissim* beseeches Hashem to act on behalf of His own Name, and therefore, does not involve the kind of miracle that one should refrain from asking for.

Distinction between general and specific miracles

Rav Moshe Shternbuch suggests an additional distinction that can answer the *minhag* to daven for miracles such as those of the *Chashmanoim*. He explains that although it is wrong to daven for a particular miracle, it is permitted to ask generally for miracles, provided no mention is made of a specific miraculous event.

He emphasizes that every person goes through trials and tribulations in the course of his life, and he will usually be able to note some special supervision of Hashem that guided him in times of need. Thus, there is no prohibition to ask for miracles in general, and this is what we do on Chanukah, asking Hashem to perform miracles for us as He did for our ancestors. It is only problematic to beseech Hashem for a specific miracle.

Distinction between essential and none essential miracles

Another distinction is suggested by the *Anayim Lamishpat* (*Berachos* 60a). Based on another Gemara in *Berachos* (10a), where we find that a person should not lose hope of Divine mercy even if a sword is placed upon his neck. He explains that there is a difference between a miracle that a person needs for the sake of his very life, and a miracle that is not absolutely necessary. It is permitted to daven for a miracle that a person requires for his most basic salvation. It is not permitted however, to daven for a miracle that will be helpful, but not essential.

Davening for the sick

Is it permitted to daven for somebody who is terminally ill, to the degree that doctors have lost all hope of recovery? Is this considered davening for a miracle, and forbidden (if we discount the distinction between life-threatening and non-life-threatening situations) or is this permitted?

The *Sefer Toldos Yaakov* (p. 118) writes in the name of the Steipler that the *minhag* is to daven even for somebody who doctors have given up hope for, based on past experience which demonstrates that sometimes a person nonetheless merits a return to good health, or at the very least merits to live far longer than doctors predict. He adds that the *tefillah* can also assist in diminishing the ill person's suffering, or to extend his life even slightly.

The *Toldos Yaakov* also brings that the Chazon Ish was asked about davening for terminally ill cancer sufferers and he responded that there were cases in which doctors gave a person just a few days to live, and he ultimately lived for another thirty years, so that this is not considered davening for a miracle.

Conclusion

We have seen that, generally speaking, it is wrong to daven for something that requires a miracle, and that one should refrain from doing so. Nonetheless, in the light of precedents for such *tefillos*, *poskim* suggest numerous distinctions that can permit davening for a miracle: The difference between an individual need and a national need, between a private and a public miracle, and so on.

Divrei Torah for *Parshas Miketz* and Chanukah

Many into the hands of the few

ויהי מקץ שנתים ימים ופרעה חלם והנה עמד על היאר - "At the end of two years, and behold Pharaoh dreamt that he was standing by the Nile" (*Bereishis* 41:1). Pharaoh is very disturbed by a dream wherein seven lean cows eat seven fat cows. None of the wise men of Mitzrayim can interpret the dream for him, and this troubles him even more.

Even if we assume that the Egyptian Pharaoh's were much more superstitious than modern man, it seems rather odd that a head of state should get so upset about a crazy dream. What is so upsetting about seven lean cows swallowing seven fat cows?

Rav Shimon Schwab provides an insight into this question. Pharaoh's whole dominion, like that of any dictator, was based on the premise that the mighty will dominate the weak. "I have the troops. I have the force. Therefore, I can impose my will, because no one can do anything against me."

Pharaoh was so bothered by this dream because it portrayed a situation wherein the weak dominated the powerful. It was the seven lean cows that swallowed the seven fat cows. He understood that as not just a silly dream, but as a terrible omen from heaven. He saw this as a Divine message that his dominion was not secure despite his power. This message shook him to the core, for it undermined the premise of his whole monarchy.

Rav Schwab further points out that *Parshas Miketz* always coincides with Chanukah. This is a constant of the Jewish calendar. It is not just a coincidence. One of the major themes of Chanukah is the idea that גבורים ביד חלשים ורבים ביד מעטים - "the mighty fell into the hands of the weak, the many into the hands of the few", as we say in *Al Hanissim*.

Renewal

Before lighting the *menorah* we say two *berachos*: להדליק נר של חנוכה - "to kindle the Chanukah candle" and: שעשה ניסים לאבותינו בימים ההם בזמן הזה - "...who has done miracles for our ancestors in those days at this time". The 'miracle' referred to in the second *berachah* is the miracle of the jug of oil. It was only through great *siyata Dishmaya* that they even found a jug of pure oil and then this small jug miraculously continued to burn for 8 days.

Rav Pam observed as follows: In the *Beis HaMikdosh* miracles occurred every single day. The Mishnah in *Avos* (5:5) lists the miracles that occurred: The *lechem haponim* never became stale, flies never descended upon the *korbonos*, etc. If so, asks Rav Pam, why don't we recite the *berachah* הזה בזמן הזה בימים ההם בזמן הזה - "...who has done miracles for our ancestors in those days at this time of year" every single day of the year? What was so special about the miracle of Chanukah that only that miracle is commemorated with a special *berachah*?

Rav Pam answers this question by citing a famous comment of the *Pnei Yehoshua* in *Maseches Shabbos*. Many of the *meforshim* ask why the miracle of the jug of pure oil was necessary at all, based on the *halachik* principle that "tumah hutra (or dechuya) b'tzibbur" [when the majority of the people are impure, the *Beis HaMikdosh* service may be carried out even in a state of impurity]. Had no miracle occurred, they could have lit the *menorah* with impure oil. The *Pnei Yehoshua* answers this question by conceding the point and stating that *halachically* the whole miracle of the oil on Chanukah was unnecessary. The reason, he suggests, that Hashem created the miracle was only to demonstrate a *chibah yeseirah* [an added amount of endearment] to the Jewish people.

What does the *Pnei Yehoshua* mean by this term "chibah yeseirah?"

"Chibah yeseirah" can be understood based on a comment of the *Bach* on the *Tur* at the beginning of the *Hilchos Chanukah* (670). The *Bach* points out that if the Jewish people were subjected to the decrees of the Greeks and if the Jewish people were subjected to

the punishment of having their *Beis HaMikdosh* desecrated by the pagans, then they must have done something terrible to deserve such a punishment. He suggests that their sin was becoming negligent and lazy in their *avodas Hashem* [service of G-d]. They performed the *Beis HaMikdosh* service by rote without proper intent and enthusiasm.

Hashem punishes 'measure for measure'. "If you take the *Beis HaMikdosh* service for granted, I will now deprive you of that *Beis HaMikdosh* service".

The sons of Mattisyohu rededicated themselves. They went to war over the *Beis HaMikdosh* service. There were renewed dedications and enthusiasm. The Jewish people picked themselves off the floor, so to speak. Yes, they were distant; yes they had been lazy; but they came back with a new strength and a new enthusiastic attitude for *avodas Hashem*. They "returned the crown to its former glory."

The meaning of the *Pnei Yehoshua*, when he says that Hashem wished to show them '*chibah yeseirah*' can be understood as follows: A husband and wife had a terrible fight and then made up. However, the question lingered — was their current love and relationship the same as it once was? Sometimes it is difficult to get back to the way it once was. Hashem wanted to show the Jewish people that after they did *teshuvah*, the relationship He now has with them is just as good as it 'once was'. There was no lingering complaint on Hashem's part. From His perspective — after *teshuvah* — the relationship was fully restored. True, impure oil would have worked under those circumstances (of general impurity), but Hashem wanted to show that the relationship was fully equivalent to what it had been "in the old days" — and was prepared to miraculously change nature to demonstrate that fact.

Yes, certainly the *Beis HaMikdosh* was full of miracles. But this particular miracle was special. This was the miracle that showed that Hashem will allow us to come back and that He will not hold grudges against us — if we sincerely return to Him with complete *teshuvah*.

The *Bnei Yissoschar* comments that Chanukah is unique amongst all Yomim Tovim in that it is the only Yom Tov that spans two months (Kislev and Teves). This means that Chanukah always contains a 'Rosh Chodesh' within it. Why is that?

We can perhaps suggest that the same idea applies to Rosh Chodesh. Rosh Chodesh implies renewal (of the moon and of the month). This is the theme of Chanukah — the renewal of the spirit of the Jews and the renewal of the *avodas Beis HaMikdosh*.

The Jewish people are compared to the moon — sometimes their fate seems to darken and fade away but we are always confident that it will be renewed in the future. This too is a pattern that sometimes reflects our relationship with Hashem. There are ups and

downs. There are peaks and valleys. It waxes and it wanes. Rosh Chodesh demonstrates that there can be renewal. There can be a new moon. The moon returns. It can get bigger.

This is why Chanukah is connected with Rosh Chodesh. The whole theme of Chanukah is that the Jewish people's relationship with Hashem slackened; but then they came back and the relationship was fully renewed to its previous level.

Shehechayanu in Bergen Belsen

Parshas Miketz begins with the expression: ויהי מקץ שנתים ימים – “At the end of two years...” This refers to the time since the incident at the end of last week's *Parsha* which concludes with the *pasuk*: ולא זכר שר המשקים את יוסף וישכחוהו – “The chief steward did not remember Yosef. He forgot him.”

The *pasuk* at the end of *Vayeshev* begs for a clarification — if you don't remember someone, obviously you forgot. The Bluzheve Rebbe offers the following insight into the *pasuk*:

We see he says, that there is a concept of not remembering and there is a separate concept of forgetting. There are some things in life that one can't remember, but that one can't forget either. What is such an event? The Holocaust. It is too painful to remember, but yet we can never forget it either. As painful as it is, we must, at times, remember it.

The following incident occurred to the Bluzheve Rebbe himself in Bergen Belsen on Chanukah during the middle of the Holocaust:

Erev Chanukah had been a particularly grim day in the camp. Many Jews had been randomly taken out and shot. The bodies were still lying on the ground as the day ended. The Jews that remained got together, found an old shoe, made some oil out of shoe polish, made a wick out of threads of a garment and wanted to light *ner* Chanukah.

The Bluzheve Rebbe, being one of the leaders in the camp, proceeded to light *ner* Chanukah and recite the appropriate *berachos*. He recited the first *berachah*: להדליק נר - “to kindle the Chanukah candle”. Then he made the second *berachah*: שעשה ניסים לאבותינו בימים ההם בזמן הזה - “...who has done miracles for our ancestors in those days at this time.”

Then he came to make the *berachah* of *shehechayanu* (“... who has kept us alive and sustained us and brought us to this occasion”). Before he made the *shehechayanu* he paused and hesitated. He looked around and then made the *berachah*.

There was a Jew who witnessed this scene and later came to the Rebbe and said bitterly, “Spira, I understand how you can make the first *berachah* and I can understand how you

make the second *berachah* but tell me, Spira, how can you in this terrible place with dead Jews lying around us make the *shehechyanu berachah* thanking Hashem for keeping us alive and bringing us to this time?"

The Rebbe looked at the Jew and said "You know, I had the same problem. But then I looked around and saw that these Jews in these worst of circumstances, surrounded by death and destruction, got together and insisted on fulfilling the mitzvah of lighting Chanukah candles even in these horrible conditions. I said to myself for this alone one can and should make the *berachah* of הזהו וקיימנו והגיענו לזמן הזה.

A hint from the Torah to Chanukah

The word Chanukah (חנוכה) can be split to mean – חנו (they encamped) – ה"ה (on the 25th). They fought the Greeks. They were victorious. On the twenty-fifth of Kislev, they were able to rest from their battles and they re-dedicated the *Beis HaMikdash*.

Rav Yosef Chaim Sonnenfeld says that there are 42 journeys that the Jewish people travelled during their desert wanderings. *Parshas Massai* lists these forty-two stations. "From here they went to there; from there they went to here; etc." Which was station number twenty-five in this journey? Chashmonah! (*Bamidbar* 33:29).

חנו - ה"ה: They rested on the 25th. Where is that? It is the station of Chashmonah. A hint from the Torah that the "resting" of the Chasmonaim will occur on the twenty-fifth of Kislev!

The importance of communal unity

The *krias haTorah* on Chanukah is from *Parshas Noso*, which discusses the various *korbonos* brought by the *nesiyim* of each *shevet* in honour of the dedication of the *Mishkon*. The Torah tells us the exact *korbonos* of every single *nosi*. However, as it turns out, every *nosi* brought exactly the same *korban*. Even though every *nosi* brought the same *korban* the Torah lists out each *nosi's korbonos* in full, and doesn't just say the *korbonos* once and then say that every *nosi* brought the same thing.

There is a fascinating Medrash on the above. The Medrash relates that the *nosi* from Yehudah, which was the first *shevet* to bring a *korban*, had it easy. He could offer whatever he desired. The second *nosi* — Nesanel ben Tzuar of *shevet* Yissochar — was faced with a dilemma: what was he going to bring?

We can compare this dilemma to the following situation: There will be 12 bar mitzvos in *shul*, one week after the other. The first bar mitzvah serves a fruit cup, a quarter of a chicken, a piece of kugel, some carrots, and some chocolate cake for dessert. That is bar mitzvah — week 1. The next week is bar mitzvah, week 2. What does he serve? "I should serve the same chicken, the same kugel? That makes no sense! I'm not an imitator. That

is not me. I'll do it differently. I'll serve chicken cutlets and broccoli..." The person will plan how to make each course a little different, a little better. The poor third guy has already seen the chicken and the chicken cutlets. What can he do? He obviously must serve beef! We can readily understand that by the time we get to bar mitzvah number 12, he really needs to outdo himself...

The Medrash says that this is what went through the mind of Nesanel ben Tzuar: If I try to do different than the *shevet* of Yehudah, if I try to 'one-up' Nachshon ben Aminadav, then the *nosi* after me and the *nosi* after him will face a spiral of escalating *korbonos*, escalating costs, until day 12. Imagine what the *nosi* will have to bring by then!

Nesanel ben Tzuar reasoned as follows: We know our own nature. Everyone will argue that his *korban* was better. This will lead to *loshon horah* and hatred and jealousy. We know our nature. So, Nesanel ben Tzuar did a tremendous thing. He brought exactly the same *korban*. He set the tone — everyone is the same.

What was Hashem's response? The Medrash says an unbelievable thing. There is a rule that a *korban tzibbur* [public offering can override Shabbos prohibitions, however, a *korban yochid* [private offering] cannot. No *korban yochid* is ever brought on Shabbos. If that is true, the sequence of *korbonos* of the *nesiyim* should have been suspended on Shabbos, since they were *korbonos yochid*. In this case, however, Hashem allowed the *korbonos* to be brought even on Shabbos because it was like a *korban tzibbur*.

Since all of the *korbonos* were brought exactly like one another to maintain the sense of community (*tzibbur*), peace, and unity — this was a *korban yochid* [private offering] that was infused with the spirit of a *korban tzibbur* [public offering]. It was a *korban yochid* that was brought to keep the *tzibbur* intact. Hashem said — as it were — "For Me, this is considered a *korban tzibbur*".

We have to learn from the above the importance of communal unity and the importance of communal peace. We see what Hashem's response is to one who does things to promote such peace, unity, and harmony. A person that keeps a *tzibbur* together is one who brings merit to the masses in a most distinguished fashion and who merits many wonderful things for himself as well. (Adapted from a *d'var Torah* from R' Yissochar Frand said for *Parshas Noso*)

Nature itself is a creation of Hashem

The Gemara in Shabbos (21b) records a *machlokes* between Beis Hillel and Beis Shammai regarding the proper procedure for lighting the *menorah* on Chanukah. Beis Shammai maintains that one should light eight candles on the first night, and on each successive night, he should light one less candle than the day before, until he lights only one candle

on the final night. Beis Hillel's position is the opposite, arguing that a person should light one candle on the first night of Chanukah and should add an additional candle on each ensuing night, such that he lights eight candles on the final night.

The Gemara expounds Beis Shammai's position as being based on the *korbonos* that are offered on Succos (*Bamidbar* 29:12-34), which decrease in number on each successive day, while the reasoning behind Beis Hillel's opinion is that a person should always seek to add to *mitzvos* and not detract from them. Nevertheless, it is still difficult to understand why Beis Shammai would endorse a position of lighting less candles on each subsequent night of Chanukah.

There is a well-known question regarding Chanukah which is attributed to the *Beis Yosef*: Since the Chashmonaim found enough pure oil to burn for one day, no miracle occurred on that first day, in which case Chanukah should only be commemorated for the seven days that the oil burned miraculously. Why then do we celebrate Chanukah for eight days if the miracle only lasted for seven?

The Ramban writes (*Shemos* 13:16) that when a person sees and experiences clear and open miracles, it should lead him to the recognition that even routine and ordinary events that he takes for granted are also miraculous, albeit in a hidden form cloaked in the guise of nature. This concept is so fundamental to Jewish belief that the Ramban writes that a person who denies it has no portion in the Torah. Applying this idea to Chanukah, the Alter of Kelm explains, that although we view oil burning as the mere functioning of the scientific laws of nature and not miraculous in any way, this is precisely the point: The additional day of Chanukah commemorates the recognition that nature itself is a creation of Hashem, and just because we are accustomed to it on a daily basis, it is no less miraculous than the open miracle that the oil burned for seven days longer than it was supposed to.

Rav Avrohom Gurvitz notes, that there are some people who are unable to see Hashem's involvement in their lives until they survive a major car accident. For others, that would still not be enough, unless the car first spun around multiple times before safely coming to a stop. Yet there are some people for whom this would still be inadequate, and the only way to get them to see Hashem's hand would be if they flew out of the car and landed in their beds.

With this insight, Rav Avrohom explains that Beis Shammai maintains that we should light one less candle each night to demonstrate that we are able to recognize and sense Hashem's presence and involvement in our lives, even when the miracles are less obvious. After the first day of Chanukah, we have become closer to Hashem, and even a lesser miracle suffices to enable us to perceive Hashem's hand, until the final night of Chanukah

arrives, by which point we have reached an elevated spiritual level in which the mere fact that oil burns is enough to allow us to acknowledge and appreciate Hashem's miracles.

Once the *shirah* starts it has to keep going

The Rambam (*Hilchos Chanukah* 4:12) writes: מצות נר חנוכה מצוה חביבה היא עד מאוד וצריך אדם ליזהר בה כדי להודיע הנס ולהוסיף בשבח האל והודיה לו על הניסים שעשה לנו אפילו אין לו – מה יאכל אלא מן הצדקה שואל או מוכר כסותו ולוקח שמן ונרות ומדליק – “The mitzvah of Chanukah is very precious. A person must be particularly careful to publicize the miracle and to add to the praise of Hashem and thank Him for the miracles He did for us; even if he has nothing to eat other than from charity funds – he must borrow or sell his clothing to be able to buy oil and wicks and light.”

If we pay close attention to these words, we notice a discrepancy. The Rambam begins by saying the goal of the mitzvah is to publicize the miracle (*nes*), singular. Then he says that we are to add to the praise of Hashem and thank Him for the miracles (*nisim*), plural, that He did for us. So, which is it? Is it *nes* or is it *nisim*?

R' Yissocher Frand related a second question on this Rambam from Rav Daniel Lander of Monsey: After lighting the *menorah*, we say “*HaNeiros Halalu*” and then we recite “*Maoz Tzur*.” *Maoz Tzur* recounts the miracle of Yetziyas Mitzrayim, the redemption from the *golus* Bavel, the story of Purim, and the Chanukah story of the struggle with the Yevonim. Basically, it is a brief synopsis of Jewish history: Mitzrayim, Bavel, Purim, and Chanukah.

On Purim we say “*Shoshanas Yaakov*”. We only mention the story of Purim. What about the rest of the miracles of Jewish history? Why in the Chanukah song do we mention all the major miracles of Jewish history and by Purim, the song we sing is exclusively about Purim?

Rabbi Lander offered the following answer: The Gemara in *Megillah* (14a) says, that there is a fundamental difference between Chanukah and Purim – namely on Chanukah we recite *Hallel* and on Purim we do not. There are several explanations why this is the case. Rava, in the Gemara there, explains why unlike the commemoration of Yetziyas Mitzrayim, where we recite *Hallel*, in commemorating the Purim story we don't: When we left Mitzrayim, we could indeed say *Hallel* because we were no longer servants to Pharaoh, but even after the “deliverance” of the Purim story, we were still servants of Achashverosh. The “deliverance” of the Chanukah story was more similar to Yetziyas Mitzrayim: After the Chanukah story, we were free men, we were in our own country, and we had our own government. We had the *Beis HaMikdash*. We were not enslaved to anybody! Therefore, on such a *nes*, we say *shirah*. On Purim, we were very happy that the decree of annihilation was cancelled. That was a terrific miracle. But after all is said and done, we still were in *golus*, subject to foreign domination by a gentile king!

Shirah is an expression of the heart. When you say *shirah*, you sing! You express your deepest emotions, your feelings of gratitude to Hashem for all He has done for you. When people engage in *shirah* they do not stop with a single expression of thanks. They give thanks for everything! Therefore, on Chanukah, which justifies *Hallel*, which is *shirah*, once we begin singing His praises, we must express thanks for all the good He has done for us throughout the ages! Purim has various *mitzvos* commemorating the event, but they are localized to the exact event that happened “in those days at this time of year.” An obligation to say *shirah* does not exist “for we are still slaves of Achashverosh.”

So this is what the Rambam means: A person needs to be particularly careful to publicize the miracle (i.e. – of Chanukah) and to add to the praise of Hashem and thank Him for the miracles that He did for us (i.e. – during the rest of Jewish history as well).”

The relevance of the Chanukah *krias haTorah*

The *Derech Hashem* writes that the *krias haTorah* for any given Yom Tov serves as an appropriate conduit for heavenly influence unique to that particular Yom Tov. For example, the *krias haTorah* of Purim is, ויבא עמלק - “And Amalek came...” (*Shemos*, 17:8), because Purim is the day in which the Jewish people did battle with Amalek and it is a day in which we commemorate our continuous battle with Amalek. This *krias HaTorah*, which describes the victory of Klal Yisroel over Amalek, serves as a conduit for the influence which originates in Heaven and which grants the Jewish people strength in their perpetual battle with the forces of Amalek.

Likewise, on the first day of Shavuos, we read the *pasukim* relating to *kabolos haTorah*, because Shavuos is a day which represents accepting the Torah. We read the appropriate Torah section in order to bring that Heavenly influence of what it takes to accept Torah on an ongoing basis.

The *krias haTorah* for each Yom Tov is spiritually appropriate to what is happening on that day. The *krias haTorah* on Chanukah, however, does not have as obvious a connection to the Yom Tov.

The *krias haTorah* on Chanukah is the section which lists the *korbonos* the *Nesiyim* brought during the *chanukas hamizbayach* [period of the dedication of the *mizbayach*]. What does this have to do with Chanukah? True Chanukah is only a Yom Tov *midrabbonon* and so obviously there is no *pasukim* in the Torah that deal directly with Chanukah, but surely there is a deeper connection between the *pasukim* that discuss the *chanukas hamizbayach* and Chanukah?

Rav Mattisyahu Solomon provides that insight. He notes a profound connection. He argues that there is a message in the *korbonos* brought by the *Nesiyim* that is indeed one of the main concepts of Chanukah. He quotes a famous *Bach* in *Hilchos Chanukah* who asks why

we have a mitzvah to feast on Purim, while there is no such commandment on Chanukah. The *Bach* explains that Purim came about because of an *aveirah* of eating (the Jews partook of the feast served by Achashverosh in which he used the captured vessels of the *Beis HaMikdash*). Since their bodies benefited from this meal, there was a decree against their bodies and they were sentenced to die. The Jews repented by fasting. The fasting served as *kaporah* for the inappropriate consumption that took place during the party of the king. Hashem responded to their *teshuva* by miraculously saving them and then gave them a mitzvah to party and feast in commemoration of that salvation.

Chanukah, on the other hand, had nothing to do with food. The punishment that preceded the Chanukah miracle came about because the Jews had become lax in their service (*hisrashlu b'avodah*). They did not take the *avodah* in the *Beis HaMikdash* seriously. They were unenthusiastic. They did it by rote. They only lamely went through the motions.

What was the Heavenly decree? “You don’t care about the *Beis HaMikdash*? Okay. I will take it away from you.” Consequently, the *korbon tomid* was nullified and the *menorah* lighting was taken away from them.

The Jews then did *teshuva*. They risked their lives to reinstitute the *avodah* in the *Beis HaMikdash*. The miracle of Chanukah provided Divine Assistance in allowing the Kohanim to properly perform the *avodah* – as represented by the miracle of the long-lasting oil in the *menorah*.

The Torah states that the *Nesiyim* brought *avnei shoham* and *avnei miluim* for the *ephod* and the *choshen*. However, the word for *Nesiyim* is spelled defectively (without a *yud*) (*Shemos* 35:27). Rashi in *Vayakhel* explains that when it came time to raise funds for the *Mishkon* and the *Nesiyim* were approached for donations, their response was “First go to everyone else and we’ll donate whatever is missing at the end”. Lo and behold, the entire budget was met by the initial donations and there was nothing more for the *Nesiyim* to give. The only thing left to give were some precious stones, so that is what they gave. Initially however, they were lax and they did not line up to give at the beginning of the building campaign. The Torah commentated on this laziness through the defective spelling of the word *Nesiyim*.

The *Nesiyim*, however, learned their lesson. By the *chanukas hamizbayach* they lined up to give first. They were not going to allow themselves to make the same mistake twice.

The *pasukim* that discuss the *Nesiyim*, is the story of people who learned from their mistake of not being enthusiastic enough when it came to taking part in the Divine Service. This is therefore the appropriate section to read on Chanukah. If Chanukah came about as a result of initially being lax in dedication to *avodah* in the *Beis HaMikdash*, it makes sense to read the *pasukim* about the *Nesiyim* who also once made such a mistake. Just as the

Nesiyim atoned for that sin during the *chanukas hamizbayach*, so too the repentance that led to the Chanukah miracle taught the Jews of that generation and all future times, not to take the *avodah* in the *Beis HaMikdosh* for granted.

The lesson of Chanukah and its *krias haTorah* is that we must always serve Hashem with enthusiasm and with “*geshmak*” [excited emotion].

Chanukah is all about learning Torah

The Gemara in *Avodah Zorah* (52b) states: The *Beis Chashmanoiy* hid away the *mizbayach* because the *Yevonim* defiled it. In other words, the *Yevonim* ransacked the *Beis HaMikdosh* and not only did they defile the oil and the *menorah* – which are central to the story of the miracle of Chanukah – but they defiled the *mizbayach* by using it for idolatrous purposes, as well. The Gemara *darshens* the *pasuk*, וּבְאוּ בֵּה פְרִיצִים וְחַלְלוּהָ, as referring to the fact that once they defiled the *mizbayach*, they made it *chullin* such that the *Chasmanoim* had to bury it.

If the above is true, then it comes out that everything in the *Beis HaMikdosh* had to be re-consecrated, yet, the miracle of Chanukah occurred specifically with the *menorah* and the oil. Why was there not a miracle involving the *mizbayach* or the *shulchon* or any other of the *kaylim* [vessels] in the *Beis HaMikdosh*? Why is the *nes* of Chanukah manifested specifically with the *menorah* and specifically with the oil?

Rav Asher Weiss asks a second question: Why is it that the miracle and the victory came about through the *Chashmanoim*? As successful and as brave as these warriors were, they weren't 100% *tohar* from *aveiros*. Their *aveirah* was that the *Chashmanoim*, who were Kohanim (from Shevet Levi), took over the *malchus* [kingship] of Klal Yisroel. The *pasuk* in *Bereishis* (49:10) teaches: לֹא יִסֹר שֵׁבֶט מִיְהוּדָה - “The sceptre shall not depart from Yehudah”, that the *malchus* in the Jewish nation belongs in Shevet Yehudah. In fact, the Ramban, says that the *Chashmanoim* were punished for this *aveirah* and eventually their entire house was wiped out as a punishment for taking over the Jewish monarchy.

Nevertheless, the *Chashmanoim* were the heroes and the victors that saved the Klal Yisroel at the time of the *Yevonim*. In general, we say that “meritorious actions are brought about by meritorious people.” Is it not therefore, peculiar that people who do not have a 100% clean track record, were the heroes of this era. Why did the miracle of Chanukah take place through the hands of the *Chashmanoim*?

Rav Asher Weiss suggests, the reason that it was the *menorah* that was the focus of the miracle, and the reason it was the *Chashmanoim* who were the heroes of the story is because Chanukah is all about Torah. The *Yevonim* tried to make the Jews, להשכיחם מחקי רצונך - תורתך ולהעבירם מחקי רצונך - “forget the Torah and make them transgress the Laws that You Will.” Not only did the *Yevonim* wage a physical battle against the Jews but even

more so, they waged a spiritual war. It was specifically about learning Torah. They knew that the basis of all Jewish philosophy is the Torah. They wanted to impose Greek philosophy on us. Therefore, they felt, the way to do that is to first eradicate Torah learning from Klal Yisroel.

We all know the famous reason given why we play *dreidel* on Chanukah. The Jews were learning Torah secretly and when the Greek monitors would come, they would quickly stop learning and play *dreidel*. The idea of the *Yevonim* was to try and stop Klal Yisroel learning Torah.

This is why the miracle came about through the *menorah*. נר מצוה ותורה אור – “a candle represents a mitzvah and Torah represents light”. If there is one vessel in the *Beis HaMikdosh* that symbolizes Torah, it’s the *menorah*. This is what the Gemara in *Bava Basra* (25b) means when it states: הרוצה שיחכים ידרים - “One who wishes to be wise, should face south (whilst davening)” because the *menorah* was in the southern part of the *Beis HaMikdosh*.

Since this was a battle about Torah, the miracle needed to come about in the vessel that was the symbol of Torah learning. Rav Asher Weiss adds, that this also explains why this victory came at the hands of the *Chashmanoim*. Who are the protectors of Torah in Klal Yisroel? It is Shevet Levi. לישאלך ליתורך לישאלך - “They teach Your statues to Yaakov, and Your Torah to Yisroel” (*Devorim* 33:10). The *Chashmanoim*, who were the Kohanim, who were a part of the Shevet Levi, needed to be the ones who would win the victory for Torah in the nation.

Rav Asher Weiss points out an interesting phenomenon. Rav Tzodak brings a Medrash: Rabbi Akiva stated: From the day Torah was given on Har Sinai, we had the Torah. However, the glory of Torah and its brilliance, its richness, and its beauty were only evident at the time of the second *Beis HaMikdosh*. Why did it happen then? It is because that is when there was *mesiras nefesh* for Torah. As a result of that, there was a renaissance of Torah. It was in the period of the second *Beis HaMikdosh* that we had the first Tanaaim. If there is one period in Jewish history about which we can say there was a “Renaissance of Torah” it was in the time of second *Beis HaMikdosh* – after the Chanukah miracle. They fought for Torah, they were *moser nefesh* for Torah, therefore Hashem decreed that there would be an explosion of Torah.

The Talmud Bavli which is the focus of our Torah learning today and is such an integral part of every Jew’s life, occurred in the period of second *Beis HaMikdosh* after the *nes* of Chanukah. As a result of the *mesiras nefesh* for Torah, Hashem rewarded them with this overwhelming gift of being able to more fully understand the depth and beauty of Torah.

Therefore, we have to make good use of Chanukah and learn with *mesiras nefesh* more than the rest of the year, even though it may be very difficult, and Hashem will reward us with the overwhelming gift of being able to more fully understand the depth and beauty of Torah.

Sometimes it's the little things that have the biggest impact on future generations

Rashi at the beginning of *Parshas Beha'aloscha* explains the linkage between the end of *Parshas Noso* (dealing with the *korbonos* the *Nesiyim* brought during the *chanukah hamishkon*) and the beginning of *Parshas Beha'aloscha* (dealing with the kindling of the *menorah* in the *Mishkan*). Rashi writes: לפי שכשראה אהרן חנוכת הנשיאים חלשה אז דעתו שלא היה עמהם בחנוכה לא הוא ולא שבטו אמר לו הקדוש ברוך הוא חייך שלך גדולה משלהם שאתה מדליק ומטיב את הנרות - "Because when Aharon saw the inauguration of the *Nesiyim*, he felt badly about it, for neither he nor his *shevet* was with them in the inauguration. Hashem, said to him, 'By your life! Your role is greater than theirs, for you kindle and prepare the lamps.'"

The Ramban asks why Hashem attempted to console Aharon with the mitzvah of lighting the *menorah* rather than with the *ketores* which is offered up twice a day, and which the *pasuk* in *V'Zois HaBerachah* praises: ישימו קטורת באפר - "they shall put incense before Thee" (*Devorim* 33:10)? Alternatively, why wasn't Aharon told that as his "consolation prize" for not participating with the other *Nesiyim*, he was going to be allowed to enter the *Kodesh HaKodoshim* on Yom Kippur, a privilege shared by no other human being?

The Ramban therefore suggests (based on a Medrash) that the consolation offered to Aharon was not the fact that he would kindle the *menorah* daily during the *avodas Beis HaMikdash* (both during the time of the *Mishkon* and during the time of the *Beis HaMikdash*). Rather, the consolation was that the *menorah* would be kindled in all generations as a result of the heroism of Aharon's descendants, the *Chashmanoim*. In other words, the consolation alludes to the Chanukah *menorah* that will continue to be lit, even subsequent to the suspension of the *avodas Beis HaMikdash*.

This Medrash is teaching us, that there are times in life when we do things in a non-dramatic fashion without a lot of fanfare, but those little things can last for generations, for centuries, even for millennia. Other times, we do things with great fanfare and great pomp and circumstance but those things are forgotten shortly and have no lasting importance.

The *korbonos* of the *Nesiyim* were offered with great pomp and circumstance, but they were a one time affair, and it was only for the *Mishkon*. The *Mishkon* was eventually put

away and the whole dedication ceremony had no permanent impact. Aharon's kindling of the *menorah* was not only for now, not only for later, but for eternity.

R' Yissocher Frand related the following story which highlights the teaching of this Medrash:

Rav Shlomo Heimann, was a Rosh Yeshiva in Yeshivas Torah V'Daas during the 1930s and 1940s. When he used to say a *shiur*, he said it with such enthusiasm and excitement that when he finished saying the *shiur* he dripped with perspiration. One wintery day, there was a big snowstorm in New York and very few *talmidim* showed up. Rav Shlomo Heimann had 4 *talmidim* in his *shiur*. Despite the fact that 80 or 90 percent of his *talmidim* were not there that day, Rav Heimann said the *shiur* with the same fervour and vitality as any other day.

Midway into the *shiur* one of the boys interrupted and said "Rebbi, there are only 4 guys here today. You do not need to shout so loud!" The Rebbi looked at his *talmid* and said "There are not four guys here. One day each of you will be Rebbeim or Roshei Yeshiva. You in turn will have *talmidim* who will themselves have *talmidim*. I am giving *shiur* to you and to your *talmidim* and to your *talmidim's' talmidim* and to your *talmidim's' talmidim's' talmidim's'*! So why shouldn't I say the *shiur* as if I were saying it to at least 100 *talmidim*. I am not saying it only to 100 *talmidim*. I am saying it to thousands of *talmidim*.

This is the meaning of the Ramban. When Aharon lit the *menorah*, he was not just lighting the *menorah* in the *Mishkon*. He was lighting the *menorah* that Jews all over the world would be lighting for thousands of years — even under dire circumstances.

Numerous books recounting heroism during the holocaust have classic stories of fulfilment of the mitzvah of kindling Chanukah lights under the most trying of situations. In the horror of the concentration camps, people took shoe polish and peeled out potatoes to create makeshift oil and *menorahs*. This all stems from the dedication of Aharon's kindling of the *menorah*. שלך גדולה משלהם - "Yours is greater than theirs" because your action will set the pattern for millions of *menorah* kindling ceremonies over thousands of years into the future.

This is how we need to think sometimes. We may think that what we are doing is miniscule and small and without permanence. But, who knows? Who knows what can come out of one small act? This is the consolation of שלך גדולה משלהם - "Yours is greater than theirs".

Make a kiddush Hashem

In this week's *sedra*, Pharaoh has dreams. He doesn't know what they mean. The seven fat cows, the seven thin cow; the seven fat stalks; the seven thin stalks. Yosef finally interprets the dreams and says there are going to be seven years of plenty followed by

seven years of famine. Yosef not only interprets the dreams, he also gives Pharaoh advice: In the seven years of plenty, store the surplus grain so that food will be available during the seven lean years.

As Yosef predicted, there were seven years of plenty - "The land produced by handfuls during the seven years of abundance. He gathered all food of the seven years that came to pass in the land of Mitzrayim, and he placed food in the cities; the food of the field that was around each city he placed within it. Yosef amassed grain like the sand of the sea, very much, until he ceased counting, for there is no number." (*Bereishis* 41:47-49) Just as Yosef predicted and advised.

Then the seven years of famine began: "The seven years of abundance that came to pass in the land of Mitzrayim ended. And the seven years of famine began approaching, **just as Yosef said**; and there was famine in all the lands, but in all the land of Mitzrayim there was bread." (*Bereishis* 41:53-54)

Rav Yitzchak Yaakov Reines asks, why is that when the seven years of plenty came, the *pasuk* doesn't say, "Just as Yosef said". Why only when the famine started does the *pasuk* say "Just as Yosef said"? Either say, "As he predicted" both by the good and by the bad years or omit it both! From the way the *pasuk* is written, it seems that Yosef was "blamed" for the bad years that were attributed to his prediction, but he did not get credit for the good years, which he also predicted.

Rav Mordechai Kamenetsky cites an interesting anecdote involving Albert Einstein. When the great physicist developed the theory of relativity, he travelled to the great institutions of higher learning in those days to discuss his discovery. He presented his theory of relativity at the Sorbonne in Paris. He is reported to have quipped that if the theory of relativity will bear out, then the French will say that I am a citizen of the world and the Germans will claim that I am a German. "However," he continued, "if the theory falls on its face, then the French will say that I am a German and the Germans will say that I am a Jew."

The point of this story is that success has many fathers but failure is an orphan. In a twist on that, success may have many fathers, but failures are attributed to the Jews. Only when there is something negative to report – that is when we are told if it was a Jew.

Unfortunately, there is nothing we can do about it. There is only one way to combat *chillul Hashem* and that is with *kiddush Hashem*. While most of us will not have the opportunity to make a public *kiddush Hashem*, in our daily lives each of us has the opportunity to make a *kiddush Hashem* on a daily basis. I think this is something we all need to think about – how we can create *kiddush Hashem*?

We should never underestimate the ramifications of a small *kiddush* Hashem. R' Yissocher Frand related the following story:

There was once a reception in honour of Rabbi Berel Wein in Detroit. The person hosting the reception was a quite high up in Detroit and he invited many business associates including the editor of the Detroit Free Press to the event.

The editor of the Detroit Free Press asked if he could address the assemblage. This Detroit Free Press and this editor in particular had a history of being very pro-Eretz Yisroel and very pro-Jewish. The editor got up and said the following:

"I want to tell you why I have such warm feelings towards the Jewish people in general and towards Israel in particular. My mother came over from Ireland in the earlier part of the twentieth century. As was common with immigrants in those days, she was a housecleaner. She got a job as a maid in the house of an Orthodox Jew, a prominent member of the Jewish community, who happened to live next to a *shul*. The family, for whatever reason, went out of town for a couple of weeks during December and they were scheduled to come home on December the 23rd."

"My mother thought to herself, 'This is terrible. They are out of town. When they come back, it will already be December 23rd at night. Where are they going to get a tree for the living room?' Therefore, she decided, 'They are such good people to me – I am going to go out and buy a tree.' She bought a tree and put it in the front window of the living room, right next to the *shul*. She bought the tinsel and she put up the red and the green lights."

When people came to *shul* for *Mincha-Ma'ariv*, they saw the house all decorated for the Christian holiday and they started wondering – What happened with these people?

When the owner arrived home that night, he looked at his living room window and could not believe his eyes.

There are two ways he could have reacted to this. He could have told the maid to "PLEASE GET THIS THING OUT OF HERE IMMEDIATELY!!!" or he could have spoken to her gently, as he did. He called her into the kitchen and said "I want to tell you – this is one of the nicest, most sensitive, most considerate things that ANYONE has ever done to me in my life. I am so appreciative that I am going to give you a bigger Christmas bonus than I intended." He handed her a \$50 bill (which in those days was a lot of money). "However", he continued, "We do not celebrate this holiday and we do not display trees in our houses. So in spite of the fact that it was such a beautiful sentiment on your part, we are going to need to get rid of the tree."

The editor of the Detroit Free Press told the reception of Jewish leaders that his mother used to tell him this story about the tree and the Jew. It created such warm feelings in him

towards Jews, Judaism and Eretz Yisroel. Why? It is because one Jew made a *kiddush Hashem* that had a wide-ranging impact. One Jew did not just react to the spectacle of a tree sitting in his living room, but rather he thought about what went into it, and what the maid must have been thinking, and how sensitive that was, and he reacted in a sensitive matter. That created a *kiddush Hashem* that had ramifications for many years to come.

We have to do our best to make a *kiddush Hashem*, and if we get blamed for anything bad that happens in the world, we have to just ignore it and continue and keep making a *kiddush Hashem*. Even the smallest thing can go a very far way.

The importance of foreseeing the future even when things are going well

After Pharaoh was unable to find a satisfactory interpretation for his dreams, Yosef was called from prison to interpret them. Not only was Yosef able to interpret the dreams, but he gave Pharaoh advice as well: “Now let Pharaoh seek out a discerning and wise man and set him over the land of Mitzrayim. Let Pharaoh proceed and let him appoint overseers in the land, and he shall prepare the land of Mitzrayim during the seven years of abundance. And let them gather all the food of those approaching good years; let them amass grain under Pharaoh’s custody for food in the cities, and safeguard it. The food will be a reserve for the land against the seven years of famine which will come to pass in the land of Mitzrayim, so that the land will not perish in the famine.” (*Bereishis* 41:33-36). Pharaoh and all his servants were very pleased with Yosef’s advice and Pharaoh appointed Yosef to fill the role of the *איש גבון וחכם* - “discerning and wise man” in his advice scenario. He became the second most powerful person in Mitzrayim.

In effect, Pharaoh created a new job. For such a job, one would presumably look for an extremely organized person, with experience in agriculture, food storage, and food distribution. However, there is no indication that Pharaoh took any of these qualifications into consideration – either in Yosef’s advice or in Pharaoh’s appointment. The primary quality emphasized in the Torah’s description of this new position is a person who is extremely wise – an *ish navon v’chochom*.

The words *navon v’chochom* have specific implications. A *chochom* is not merely someone who is clever, it is one who foresees the future (see *Tomid* 32b). Similarly, a *navon* is not merely a wise person, but is specifically one who understands one thing from another (see *Chagiga* 14a). Yosef called for a person who had tremendous insight and tremendous foresight. Why was such a person necessary?

In times of plenty, it is extremely difficult for people to begin imagining what it is like not to have food. When the 7 years of plenty were occurring, with bounty crops year after year, people could not imagine that a famine would ever occur. During those years of

plenty, the most important thing was for a leader to get people to pick up the scraps of grain that would have been discarded. Just as the person who receives a million-dollar bonus does not concern himself regarding the following year's livelihood, the farmers laughed at Yosef's government collectors, who were busy picking up the scraps of those bumper crops.

The *chochom* – who foresaw the future – was able to imagine that a time would come when there would be no crops and the *navon* saw the implications of that future situation such that every little stalk of grain would become valuable. They needed a person who would inspire the people and make them realise that the good times WOULD eventually end and that the bad times were just around the corner.

We need to take the above a bit further and realise that the same thing is with this world and the next. As long as we are here and can fulfil *mitzvos* with very little cost or effort, people do not appreciate the time that they have in this world. Especially when people are young, it is hard for them to imagine that there will come a time when they will not be able to do this.

There is a famous story told of the Vilna Gaon. On his deathbed, he picked up his *tzitzis* and noted that in this world, for a few roubles one could buy a garment with fringes and fulfil a mitzvah. "I am soon going to a place now where this will no longer be possible."

We are living in the "years of plenty" in terms of spiritual opportunities. We do not realize that there will come "years of famine" as well, regarding opportunities to do *mitzvos* and earn spiritual reward. One must be an "*ish chochom v'navon*" to appreciate what one has whilst he is living in this world.

Rav Eliyahu Lopian gave a *moshel* [parable] of a king who fought an extended war. He was unable to win the war until finally he appointed a new general who was able to turn the tide of battle and won the war. The king was extremely appreciative and in recognition of the accomplishment of the general, he offered to allow the general to go into the king's treasury house and spend an hour there taking out whatever he wanted for himself.

The general was thrilled. He prepared a large sack and waited anxiously for the day when the king would allow him to enter the vault where the king's wealth was stored. In the meantime, the king regretted his decision. While the king did not want to renege on his promise, on the other hand, he did not want to sit by and let the general clean out his most valued possessions. The king's advisors gave him a plan. The general had a passion for good music. The advisors told the king to place the greatest musicians in the country in the vault and have them play the world's most beautiful compositions. This would distract the general from despoiling the king's treasury.

Sure enough the plan worked. The music of the orchestra so mesmerized the general that each time the general told himself that he should be filling his bag instead of listening to the music, the musicians began a more dramatic composition. The general became paralyzed and fixated with the music. By the time the general realized that he was losing the opportunity of a lifetime, the hour of opportunity had passed. He ended up with a few small items but lost all that potential for riches because of his distraction with the orchestra.

Rav Eliyahu Lopian said this *moshel* refers to this world. Hashem puts us in this world and tells us to “grab the jewels”, i.e. – do the *mitzvos*. However, at the same time, Hashem gives us all of the familiar distractions of life – both valid and invalid distractions. We become fixated with these distractions. There are times when we wake up and say, “Hey, life is passing us by” and then we are once again distracted with something else! One day, someone taps us on the shoulder and says, “It is time to leave this world.” We look back and bemoan the fact that we have missed our opportunity of mining this world for the spiritual treasures that were available to us. We leave the world empty handed or at best, we leave with our sacks half full.

When we have it so good, when the *mitzvos* are just there for our taking, it is hard to imagine that there will come a time that they will not be there anymore. That is why we need to have the attributes of *ish chochom v’navon*. We need to foresee the future and take the proper implications from that vision. (Mostly taken from R’ Yissocher Frand)

Why did Yosef want to forget his father’s household?

Yosef had two children, whom he named Menashe and Ephraim. Regarding the naming of Menashe, the *pasuk* says: *כי נשני אלקים את כל עמלי ואת כל בית אבי* - “G-d has made me forget all my hardship and all my father’s household” (*Bereishis* 41:51). The obvious question is: How could Yosef name his child Menashe and proclaim proudly that Hashem helped him forget the household of his father Yaakov?

Rav Simcha Zissel in *Som Derech* explains with a Gemara in *Bava Metsia* (85a). The Gemara says: When Rav Zeira went up to Eretz Yisroel from Bavel, he first fasted 100 fasts – in order that he should forget Talmud Bavli that he studied in Bavel. He wanted to be able to learn Talmud Yerushalmi without being distracted by preconceived notions that he had acquired while studying in Babylonian *yeshivos*. Rashi explains that the methodology in Eretz Yisroel differed from that of Babylonia. In order to acquire the new style of learning that Rav Zeira was hoping to acquire in Eretz Yisroel, the best thing for him to do would be to forget the methodology of the learning he had been accustomed to until now.

Rav Simcha Zissel explains that Yosef HaTzadik learned in the house of Yaakov Avinu and he learned the Torah of Yaakov Avinu. He learned his way of life and his system of values.

But Yosef knew that the approach that worked in the house of Yaakov was not going to work in Mitzrayim. If he tried that approach in this foreign land, he would be doomed.

Yaakov's home was one of *kedusha* and *taharah* [sanctity and purity]. The approach that worked there worked perfectly for an environment in which one was surrounded by brothers who were all sons of the same father – the *shivtei Koh*. But now, Yosef said, I am in a hostile environment. I am in the impure land of Mitzrayim. If I try to use the same approach and lifestyle that worked for me in my father's house here in this land, it will be disastrous for me and my family.

Therefore, Yosef davened to Hashem for the insight and wisdom to adapt to his new surroundings with a new spiritual approach. In order for him to do that, he needed to forget "all my toil and all the household of my father." Yosef did not proclaim that he named his son Menashe in order to thank Hashem for His help in forgetting Yaakov's household because he *chas v'sholam* demeaned his father's household, but rather because he now needed a different approach. He now needed a new approach that would enable him to survive and prosper in the environment of Mitzrayim.

The above *kuntros* as well as my weekly *gilyon* is available to be picked up from 37 Legh Street (Manchester), 2 Ashgrove Terrace (Gateshead) or from 24 HaMem Gimmel, Knisa Beis, 1 floor up (Eretz Yisrael).

This *kuntros* was written by Moshe Harris, please consult a Rov for final *halachic* ruling. For any *ha'oras* or to receive my weekly *gilyon* please email me at limudaymoshe@gmail.com or call/text me on +447724840086 (UK) or 0585242543 (Eretz Yisrael).

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