A Rif on some halakhich debates and issues relating to the lighting of the menorah on Chanukah and in general by David B Levy

NB: Mitzvah of לنتشر המנורה applies to (1) lighting the Hanukkah menorah, (2) chanting the megillah in public on Purim, and (3) the Arba Kasot (4 cups) on Pesah; Beit Hillel holds that we light one candle with the Shamesh on the 1st night of Chanukah and add an extra candle light each night for the eight days of Chanukah which is the opposite opinion of Beit Shamai.

(1) The question of where to light the menorah? in addition to besides at the window or doorway of a private home, appears for example in Sefer Shibolei Haleket by Rabbi Zedakiah b. R. Avraham Ha-Rofe (the physician, 1210-1275) of the Anavim of Rome, Inyan Chanukah Siman 185. This rabbi physician recorded customs and collected halakhic rulings of French and German Torah scholars. This work is arranged topically, and includes halachic decisions, comments on the prayers, and explanations of customs. This rabbi physician argues the menorah on Chanukah should be lit in a synagogue because at that time in the middle ages wayfairers and traveling poor Talmud scholars actually slept on benches in the back of the shul and must also be yotzei the mitzvah of lighting the chanukah menorah.

Although the Sefer Hamanhig, Hilchos Chanukah (page 531) by Rabbi Avarham ben R. Nathan [born in Lunel Provence and ended up in Toledo Spain, 1155-1215] gives a different reason for why the menorah on Chanukah should be lit in the synagogue. Rabbi Avraham ben R. Nahan sites the common practice that the Rabbi or Shamash often lives in the attic of the synagogue or in an adjacent attached house. If this is the case then the menorah on Chanukah should be lit in the synagogue which serves a beit HaMikdash me-at. Rabbi Avraham ben R. Nathan also points out that a mezuzah is required to be on a house or private dwelling on the right side of the door. While it may be attached in a synagogue there is no halakhic requirement to do so etc. During Rav Avraham ben R. Nathan’s wanderings he noted the differences in the custom between various communities and later composed Manhig Bnei HaOlam (also known as HaManhig). His work is based on the writings of Hazal, the halakhic decision of the Gaonim, and the works of Spanish, French, and Provencal scholars. In it he details various customs and their sources, and sets down his own halakhic decision. The work also contains a number of Responsa. HaManhig serves as a source for many of the halachic decision of the Rabbis who followed him, particularly the early code the Tur, and the later code of Rabbi Yosef Karo the Beit Yosef.

The Reponsa of the Rivash, Siman 111 by Rabbi Yitzchak b. Sheshet Perfet [born in Barcelona and ended up in Algiers] gives a different reason regarding the question of lighting a menorah on Chanukah in the synagogue. The Rivash studied under Rabbi Nissim b. Reuven (Ran) in Barcelona and later served as a rabbi in Jewish communities in Spain. In 1391 in the wake of severe anti-Jewish riots in Spain the Rivash fled to Algiers where he became av bet din (1326-1408). The Rivash weighs in on this halakhic question by noting for example that on Pesah, Kiddush is not said in the shul because the congregants are to go home and recite Kiddush at the seder....-However Hallel on the first night of Pesah is often said in the synagogue. Thus since the bracha is said for Hallel then we say the bracha for lighting the menorah on Chanukah. The Rivash also gives the reason “to increase לنتشر המנורה “ the menorah on Chanukah is lit in
the synagogue. The Rivash refers to the special case also if the synagogue faces out on a courtyard where there are 2 dwelling entrance openings onto the courtyard etc.

(2) The question of where to place the lit menorah concerns the Terumas HaDeshen (Siman 104) by Rabbi Yisrael b. Petachyah Isserlein [ born in Regensburg Germany and ended up in Vienna-Neustadt (1390-1460) . All decisors agree that the menorah should cause pirsa nisa, but if there is danger of attack from the outside antagonists pekuah nefesh may in some cases permit lighting just for the family etc. The Biur Hagra (Shulchan Aruch OC 671:7) i.e. by Rabbi Elyahu b. R. Shlomo Zalman of Vilna (1720-1797) considered the greatest Talmud scholar of the recent generation also weights in on where does one place the lit menorah.

The Mishnah of Baba Batra considers a case where a lit menorah on Chanukah in a doorway by accident was toppled by a passing camel laden with flammable flax which caused fire damages, and the question of who is liable for the fire damages? The lights of the menorah must not according to halakhah be used for profane purposes.

(3) We find in the Responsa of the Ahronim questions of what to do with regards to the question, “if one is lighting the Chanuakah menorah and in the middle of the brachot, and someone who has not lit yet enters the space, must the lighter start over or should he continue with his brachot in order not to say a bracha betalah?”.

(4) The question of “How many candles to light?” is quite complex.

The relationship between Ashkenazim and Sephardim relates to the matter of the number of candles lit on Channukah. The Talmud (Shabbat 21b) states that the basic requirement is to kindle only one light each night of the holiday for all the members of the household but the sugya, continues, those more scrupulous in their observance (mehadrin) light a separate candle for each member of the household each night. Finally, those who are unusually scrupulous (mehadrin min ha-mehadrin) add one additional candle each night (we follow the opinion of Bet Hillel). As to be demonstrated in the next 2 paragraphs this led to a difference in custom of lighting between Ashkenazim and Sephardim. The Question arises, “does only the head of the household light, or do each individual members of the family light a separate menorah (Hanokiah)?”

The standard of mehadrin min ha-mehadrin has been deemed the normative requirement, but its exact meaning is the subject of a debates between Tosafot (Ashkenazi authorities) and Maimonides (a Sephardi authority). According to Tosafot (Shabbat 21b, ve-ha-mehadrin), the only variable considered is the number of the night; hence one candle is lit the first night, two the second, etc, until the eighth night when, at most, eight candles are lit, regardless of how many people are present. The light of torah is thus seen to spread and increase in the course of Jewish history to eschatological redemption. For Maimonides (Hilkhot Hannukah 4:1-2), however, the “mehadrin min ha-mehadrin” level considers the number of the people present in addition to the number of the night; thus, the amount of candles lit any given night represents the multiple of the number of the night times the number of people present. Maimonides writes, “if ten people are present the last night of Hannukah, eighty candles are lit.”

In recent history of the ahronim, Sephardic and Ashkenazic minhag adopted the ruling of the other as normative halakhah. In the sixteenth century, Rabbi Joseph Karo ruled (Shulhan Arukh, Orah Hayyim 671:2) like Tosafot, that no matter how many people are present, the most candles that could be lit on
the last night of Hannukah is eight, while Rabbi Moses Isserles follows the Rambam and allows for many more than eight candles to be lit in a house on the last night of Hannukah; Thus each person present, he rules, lights eight. The Sephardi Rabbi Karo follows the Ashkenazi Tosafot while the Ashkenazi Rabbi Isserles follows the Sephardi Maimonides which seems like a “reversal” of the expected. In his commentary on the Tur (Orah Hayyim 671), Rabbi Yoel Sirkis (Bayit Hadash, s.v ve-kamah) notes that “our (Ashkenazi) custom is like the opinion of the Rambam and the Sephardi custom is like the opinion of Tosafot.” This is not what would be expected given that Tosofot usually represent the Ashkenazic stance and Rambam the Sephadic. The son-in-law of the Bach, Rabbi David Halevi, actually went so far as to add, “ve-zeh lo matzinu be-sha’ar mekomot” (Taz. 671:1).

(5) Regarding the immersion of the menorah of the Beit HaMikdash in a mikvah the Talmudim and Tosefta record debates between the Pharisees and Sadducees.

Tosefta Hagigah 3, 35 relates that the Pharisees once immersed the Menorah of the Temple on a pilgrimage festival. The Sadducees ridiculed this purification [It once happened that they immersed the menorah on a festival; and the Sadducees said: Come and observe the Pharisees who immerse the light of the moon/ Yerushalmi substitutes moon for “orb of sun.” See: Yalqut Pequdei 40, #419; cf. Midrash Tadshe 11, Bet ha-Midrash 3, p. 175: 175:100ויתבטלו את המנורה ביום טוב שליכי זדוקיןNES ב ], see: Yalqut Pequdei 40, #419; cf. Midrash Tadshe 11, Bet ha-Midrash 3, p. 175: 175:100ויתבטלו את המנורה ביום טוב שליכי זדוקיןNES ב

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(A tradition holds that the Menorah represents the sun and moon. Its seven lights represent the seven planets which serve the world; See Philo Quis rerum divinarum heres 225 & De vita Mosis 2, 102 & Josephus Antiq. 3, 146)/ Zechariah 4:10- 7 branches~ the eyes of Hashem ranging over the earth... pure diadem on Joshua צניף טהור ergo like מצעפת צניף ergo like

The Sadducees claim that the menorah was not susceptible to impurities.

As we see from the above rabbinic texts the Sadducees claimed the rabbis immersed orb of moon i.e. the menorah;

In asserting the immunity of the Menorah to contamination the Sadducees were not negating their otherwise strict stance in matters of purity, but basing themselves on a priestly tradition concerning the purifying mystical power of its radiance; Sadducean critique of Pharisees allowing n’importe qui (hoi poloi) to come in contact with Priestly sacred kelim (Ya’kov Sussman & S. Lieberman; Tosefta Ki-fshutah (V., p.1336)); Sadducean leniency regarding Menorah indicates regarded it to be unsusceptible to contamination regardless of its source, ergo supernatural talismanic ceremonial object; Given the Hellenized nature of the Sadducees they had affinities with allegorical interpretations that the menorah depicted as a source of celestial illumination (also in Tosefta).

Interestingly the Dead Sea scroll sect thought to be the Essenes also weighed in on the halakic debate whether the menorah needs to be immersed to purify it after use.

While the Essenes of the DSS were usually more strict, in the case of the menorah they were less strict (exceptional case for Essenes usually more makmir); At Qumran liquids were held to be more potent transmitters of impurity than solids; The biblical principle that the ground and water attached to it were
not subject to defilement seems to be followed by Qumranites and Tannaim. According to R. Eliezer, the copper and golden altars of the Beit HaMikdash did not require purification after the Hagim. Mazbach adomah (mHagigah 3,8) - extension from Ex. 20:21 which was also extended to metallic altars. Analogously, since the menorah was symbolic of the heavens, i.e. beyond reach of common man (although the argument lo bishamayim hi exists), may be deemed by Sadducees to be immune to any contamination. However, the Pharisees once opted to immerse the Menorah as a precaution. For more on these topics as well as other comparison and contrasts of the similarities and differences of the halakhic traditions of the Pharisees (rabbis), Sadducees, and Essenes see:
http://databases.jewishlibraries.org/node/17674

(6) How to light the menorah at the Kotel after 1967?
After 1967 war when Jews reclaimed greater control of the old city Jewish quarter while at the same time leaving jurisdiction of Har Habait to the Muslim Waqif, the question of lighting a menorah at the Kotel is dealt with by numerous poskim. Rabbi Yitzhak Yosef son of Rav Ovadia Yosef (ztsl), [1920-2013 in Yalkut Yosef, Kitzur Shulchan Aruch, OC 671:3 considers how the Menorah is to be lit at the kotel to fulfill the mitzvah of pirsa nisah. Rav Ovadia Yosef weighed in on this discussion in Yalkut Yosef, Kitzur Shulchan Aruch OC 671:9. Rabbi Goren as early as 1967 even went onto HarHabayit to davon and blow the shofar. The commentary on the Rambam’s MT. 3:4 known as the Mishnas Yaakov also considers the question.

(7) Quest of lighting at parties and events
The question of lighting in public at “parties” is dealt with by the Tzitz Eliezer 15:30. R. Eliezer Yehudah Waldenberg of Yerushalayim in his response most often deals with all aspects of Jewish law, particularly pertaining to medical issues and new technologies. He especially dealt with these issues as a result of his becoming the Rabbi of Sha’arei Zedek Medical Center in Jerusalem. R. Waldenberg was a dayyan and head of the Av Beit din in Jerusalem, eventually becoming a judge on the Supreme Rabbinic court in Jerusalem. Rabbi Moshe Sternbach of the UK, South Africa and Yerushalayim in Teshuvos Vehanhagos 1:398 also considers the complex cases of lighting Chanukah menorot at parties as does R. Yosef Dov Ber Soloveitchik (1903-1993), Rosh Yeshiva at YU, in NYC see: in Harerei Kedem. Chabad Lubavitch today on lighting of the Chanukah menorah.

(8) Today the Hasidic sect Chabad Lubavitch are well known for public menorot lightings on Hanukah. It is noted by Rebbe Rabbi Menachem Mendel that while in times past the synagogue was the most public Jewish venue, today many unaffiliated Jews do not visit the shul on a regular basis. Therefore the Rebbe encouraged the erection of menorot in public areas to maximize the reach of the radiance of the Chanukah lights and to publically proclaim the timeless message of the Chanukah victory of the light of freedom over the darkness. That is freedom for performance of mitzvoth after the Jews escaping from Egyptian bondage experienced freedom from slavery etc. However the Rebbe also noted the halakhah for his Shluchim that if they are constructing a large outdoor menorah the maximum height of a kosher menorah,[as there are dimension for large sukkot on the festival of booths] is around 31 feet high as the reason given in Jewish law is that people don’t normally look up higher than that, and a taller menorah wouldn’t serve the intended purpose of pirsa nisah. Today Chabad even puts menorot on tops of the roofs of cars, and has parades in such a manner. It is not accidental that the edition of the Babylonian Talmud with the commentary of the Tzemach Tzedek is often
referred to as the menorah edition picturing on the front cover of its many volumes of the 62 tracates a leather lifted golden menorah, and edition sponsored by the Guenery family

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