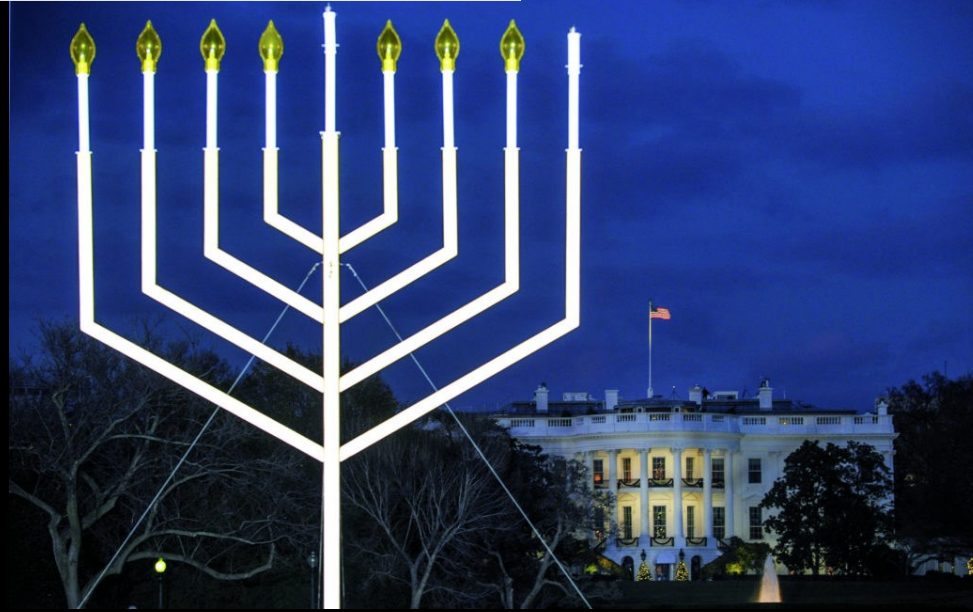




Public Menorah Lightings



The Halachic Controversy and Basis for Making a Brachah at Public Lightings
Rabbi Yonason Johnson - Kollel Menachem



Public Menorah Lightings

A Halachic analysis of public Menora lightings and making a Brachah

Fifty years ago, in 1973, the Rebbe initiated a campaign of Mivtza Chanukah, to publicise and encourage Jews to observe the Mitzvah of lighting Chanukah candles. Shortly after, a new dimension was added to this campaign; the public Menorah lighting.

Public Menorah lightings have become a standard part of Chabad's outreach activities. Shluchim around the world host public Menorah lightings in shopping centres, public squares and parks. Iconic sights including; The White House, the Eiffel Tower, Trafalgar Square and our very own Federation Square, are adorned with giant Menorahs, sharing their light and their message.

These gatherings have been graced by high level politicians including President Carter who lit the Menorah at the White House in 1979 and current President, Joe Biden, who lit the Menorah in in 2014 in Washington D.C.

The Rebbe strongly encouraged the organising of and participation in public Menorah lighting gatherings, often sending his personal words of blessings to the gatherings and their participants.

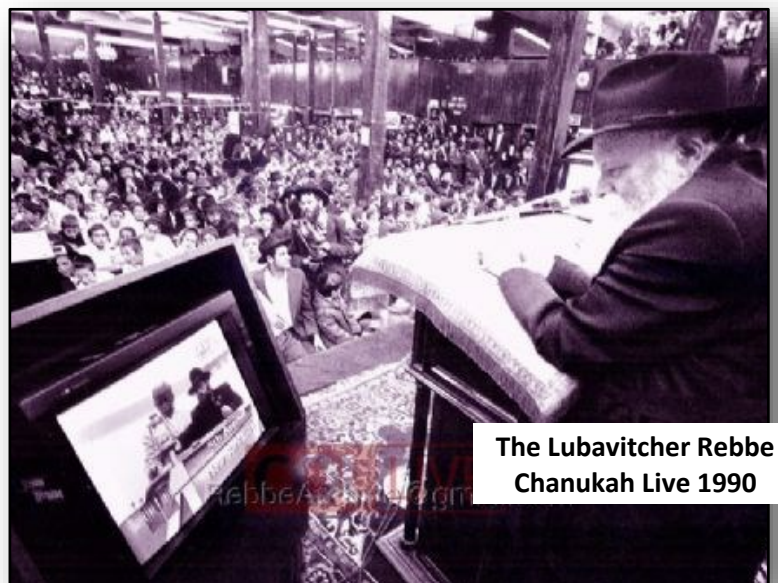
This campaign was not without its controversy. In the USA, some municipalities and States considered placing symbols of religion in public places to be in violation of the separation of religion and state. The

case of the Menorahs reached the Supreme Court, where a landmark ruling was issued in 1989, which found that the erection of a Menorah outside Pittsburgh City Hall was constitutional. This case was followed by similar rulings in other States in court battles that continue to today.

In this article, we will be focusing on another controversial aspect of this campaign.

Many of the great Poskim of the previous generation had a Halachic problem with the public Menorah lightings. They argued that one could not make a Brachah on public lightings and to do so would be considered a Brachah Levatala (a blessing in vain).

The Rebbe never explicitly, either in word or in writing, said anything about either making or not making a Brachah at public lightings. However, presumably as the driver of this



campaign, had there been a Halachic concern, the Rebbe would have raised it.

Indeed, in the years of 1990, 1991 and 1992, the Rebbe watched 'Chanukah Live'; An event which broadcast public Menorah lightings from major cities around the world. This included lighting the Menorah at public sites including the Eiffel Tower¹, where the Brachos were said, while the Rebbe watched.

In this publication, we will explore the Halachic discussion and basis for reciting a Brachah over public Menorah lightings.

The Minhag of Lighting the Menorah in Shule

The Halachic discussion is centred around the Minhag of lighting the Menorah in Shule and the reasons for this custom.

To commemorate the miracle of Chanukah, the Sages instituted the Mitzvah of lighting Chanukah candles. The Mitzvah is described as **נר איש וביתו**, literally, a candle for a man and his home (household). From this, most Halachic authorities learn that the Mitzvah is fulfilled by lighting at one's home. The Chanukah candles should be placed outside of the house on the left side of door.

Chaza"l teach that in times when it was dangerous to light outdoors, one could suffice by lighting the Menorah inside their house. This became the basis for the practise in Chutz Laaretz of lighting indoors.

The Gemara does not mention lighting the Menorah in Shule. It is not mentioned by the Geonim or by the classic Rishonim; Rif, Rashi,

Tosfos, Rambam and Ran.

The custom of lighting the Menorah in Shule is first found in the works of the later Rishonim. Some of the Rishonim write to support the Minhag whilst others question it. In their writings, they also present a number of different reasons for the Minhag.

Tanya Rabasi² suggests that the Menorah was lit in Shule to be Moitzi the guests who would stay in Shule or for someone who did not have oil to be able to light themselves at home. However, the Tanya also writes that his own teacher would avoid lighting in Shule so that he would not need to make a Brachah.

Rabbi Aharon Hakohen of Lunil (13th Century, Provence) writes in Orchos Chaim³, that the practise of lighting the Menorah in Shule is to be Moitzi those who do not know how to light themselves. He adds that there is also a Hiddur Mitzvah to publicise the miracle as a Zecher Lemikdash, to remember the Beis Hamikdash where the miracle took place. This is also recorded in the Kol Bo⁴.

Sefer Hamanhig writes that since the miracle took place in the Beis Hamikdash, we light the Menorah in a Shule which is called a Mikdash Me'at, a micro-sanctuary.

In his work Shiblei Haleket⁵, Rabbi Tzidkiya ben Avrohom Harofeh (13th Century, Rome) writes that we do not know any source for this Minhag. He writes that since everyone lights in their home, it should not be necessary to light in Shule. If it is done for the guests who stay in Shule, they should be the one's to light themselves, rather than the Chazzan. If the Chazzan

would light because he lived in the Shule, then nowadays we should not light in Shule as the Chazzan no longer stays there.

Rabbi Yitzchak ben Sheshes (14th Century, Spain), was asked about the custom of the Shliach Tzibbur or Shammash lighting the Menorah in Shule. The questioner wrote that the Brachah should be a Brachah Levatala since no one is Yoitzai with this lighting.

In Teshuvos HaRivash⁶, he responds that the custom of lighting the Menorah in Shule was established by great sages, to fulfil Pirumei Nissa, the publicising of the miracle. Since we no longer light the Chanukah candles outside, our Chanukah candles lack the element of Pirumei Nissa. For this reason, they established a public lighting of the Menorah in Shule, which would be in a public gathering.

He concludes his Teshuvah with an emphatic statement that no one is Yoitzai with the lighting in Shule.

In the Sefer Shaalos Uteshuvos Min Hashamayim, Rabbi Yaakov from Marois (France 13th Century) recorded answers to questions that he asked through a Shaalas Chalom - where answers to difficult Torah questions are communicated in dreams. He asked why we light the Menorah in Shule with a Brachah when everyone is going to light at home. The Divine answer that he was given was **ברב עם הדרת מלך** - that a Mitzvah that is performed publicly in a large gathering gives greater honour to Hashem and that it is also Pirumei Nissa.

In the writings of these Rishonim, we find five main reasons for the custom of lighting the



First print of Teshuvos HaRivash

Menorah in Shule;

1. Because of guests who stay in the Shule
2. To be Moitzi those who do not know how to light themselves
3. To sanctify Hashem's name in public
4. A remembrance of the Beis Hamikdash
5. Pirumei Nissa – publicising the miracle.

The Beis Yosef⁷ references a number of these explanations of the Rishonim. He also quotes the Rivash that we make a blessing on this lighting, just like we do for Hallel on Rosh Chodesh. In the Shulchan Aruch⁸, he only cites the reason of the Rivash, that the lighting in Shule is to fulfil Pirumei Nissa.

How Can We Make a Brachah on a Minhag?

In his Teshuvah, the Rivash addresses the issue of how it is possible to make a Brachah over what is essentially a Minhag from the Rishonim.

The Gemara⁹ teaches that custom of banging the Aravos on Hoshana Rabbah is a Minhag Neviim. Since it is only a Minhag, we do not

make a Brachah when we fulfil it.

Rivash qualifies that this only applies to a Minhag Kal (a 'light' Minhag) such as the beating of the willows on Hoshana Rabbah, which is not a significant action. The Minhag of lighting the Menorah in Shule is a significant action and therefore we do make a Brachah. He draws a parallel to the 'Half Hallel' of Rosh Chodesh, which is only a Minhag and yet we make a blessing over it.

This distinction was made by Rabbeinu Tam¹⁰. The Ram"o¹¹ rules like Rabbeinu Tam that we do make a Brachah over 'Half Hallel', even though it is only a Minhag. This is the custom of Ashkenaz.

In contrast, the Rambam¹² writes that we do not make a Brachah on a Minhag and therefore, no Brachah is recited on 'Half Hallel' on Rosh Chodesh and Chol Hamoed. In the Shulchan Aruch¹³, Rav Yosef Karo (the Mechaber) rules like the Rambam and this ruling is followed by the Sefardim.

Based on this, Chacham Tzvi¹⁴ points out that since the Mechaber follows the position of the Rambam that we do not make a Brachah on a Minhag, no matter how significant, how can those who follow his rulings make a Brachah on the Menorah in Shule?

Rabbi Ovadia Yosef¹⁵ presents an answer to the Chacham Tzvi's question;

On the Halacha that we light the Menorah in Shule (with a Brachah), the Vilna Gaon writes that a proof for this is from the Hallel that is recited with a Brachah in Shule on the first 2

nights of Pesach. Even though this Hallel is also only a Minhag, we make a Brachah because it is an act of Pirsumei Nissa.

In Shulchan Aruch¹⁶ the Mechaber rules that we recite the full Hallel in Shule on the night of Pesach with the Brachah at the beginning and at the end. This suggests that it is different to the Hallel of Rosh Chodesh where no Brachah is recited.

Unlike the Hallel of Rosh Chodesh, Hallel on the night of Pesach involves Pirsumei Nissa. Since it is a "Minhag Chashuv", even the Mechaber agrees that a Brachah is made. The Vilna Gaon likens the lighting of the Menorah in Shule to the Hallel recited in Shule on the night of Pesach, because it too involves Pirsumei Nissa and therefore according to all opinions a Brachah is made.

Another reason why the Mechaber would permit making a Brachah on lighting in Shule is because it fulfils the Pirsumei Nissa element of Chanukah (as will be discussed below). Mor Uketzia¹⁷ writes that without the Brachah there would be no Pirsumei Nissa as people would think that they are simply lighting the candles for light for the Shule.

Lighting at Other Public Gatherings

When addressing the issue of other public Menorah lightings, the Poskim all draw on the Minhag of lighting in Shule. The question is whether we can extrapolate from the Minhag of lighting in Shule, to also permit lighting the Chanukah candles with a Brachah at public gatherings held elsewhere.

First, we need to explore whether the reasons for the Minhag of lighting in Shule discussed above, apply to public lightings.

If lighting in Shule is a remembrance for the Beis Hamikdash where the miracle took place (reason 4), it would be limited to a Shule which is called a Mikdash Me'at, a miniature sanctuary.

The reason of being Moitzi guests (reason 1) does not apply to public Menorah lightings, just as it no longer applies to lighting in our Shule where there are no guests.

The reason of being Moitzi those who do not know how to light or are unable to light (reason 2) would apply to public Menorah lightings. However this reason is not accepted as the Shulchan Aruch has ruled like the Rivash that no one is Yoitzai with the lighting in Shule.

The reasons of Pirsumei Nissa (reason 5) and publicly sanctifying Hashem's name with a large crowd (reason 3) would apply to public Menorah lightings just as they apply to lighting in Shule.

Despite this similarity, many Poskim still rule against making Brachos at public gatherings outside of Shule.

Ruling Against

The Minchas Yitzchak¹⁸ writes that the great Rabbis including the Rivash and Chacham Tzvi were pressed to justify making a Brachah even on the established custom of lighting in a Shule. Therefore, we cannot go beyond this to permit lighting with a Brachah at other gatherings held elsewhere.

A similar approach is taken by the Tzitz Eliezer¹⁹,

Rabbi Eliezer Waldenberg, who writes "Look how much ink was spilled on the matter of lighting in Shule and how it is possible to make a Brachah over it. Indeed, many of the great sages of former generations who were careful not to make a Brachah on lighting in Shule... Therefore, it is clear and obvious that we do not have the authority to add to this and make the blessings when lighting at parties." He concludes that it would be considered a Brachah Levatala.

Rabbi Shlomo Zalman Auerbach²⁰ and the Shevet Halevi²¹ also ruled that one should not make a Brachah at public lightings.

Ruling in Support

In his responsa, Rabbi Ovadia Yosef²² notes that most of the contemporary Poskim forbid making Brachos. Nonetheless, based on the reason of Pirsumei Nissa, those who make a Brachah "have on whom to rely". As an extra precaution, they should daven Maariv at the hall after lighting the Menorah so that the place of lighting resembles a Shule.

Rabbi Binyomin Zilber²³, known as the Tzaddik of Bnei Brak, addressed this topic in a number of his responsa in Shaalos Uteshuvos Az Nidbe-ru. His first Teshuvah²⁴ was a response to a question about lighting Chanukah candles for a youth gathering held in the city square. He quotes the opinion of the Rivash that the reason for lighting in Shule is because of Pirsumei Nissa.

He raises the following question: Even though we make a blessing on a Minhag such as 'Half Hallel', this is because it is a Minhag that estab-

lished by Chaza"l. Therefore, we can say the Brachah **אשר קדשנו וצונו** that Hashem has commanded us to do this. This is because we are obliged by the Torah to follow the rulings of the Chachamim. But how can we say this for a Minhag from the Rishonim?

Rabbi Zilber gives a novel explanation (Chiddush). He explains that lighting the Chanukah candles outside is fundamental to the Mitzvah as established by Chaza"l. Even though we are Yoitzai the Mitzvah by lighting indoors, the essential element of lighting outdoors for Pirsumei Nissa is missing. Since the Minhag Rishonim of lighting in Shule is to fulfil the element of the initial Rabbinic obligation of Chaza"l, we can say **וצונו**.

He concludes that it is permissible to light in the public square with a Brachah, especially as most of the participants would not have been in Shule and that this is in fulfilment of Pirsumei Nissa.

A number of Rabbis wrote to Rabbi Zilber, questioning his ruling. He addresses their challenges in subsequent Teshuvos²⁵, bolstering his original Chiddush and Psak Halacha.

He writes that the primary reason for lighting in Shule is like the Rivash – be-

cause of Pirsumei Nissa. Lighting in public spaces is an even greater Pirsumei Nissa as more people will attend. (He also questions the assertion that Chanukah candles must be lit at a house. This suggests that one could even be Yotzai with the public lighting as well).

He concludes that "I do not tell anyone that they must accept my opinion... however I stand by my original position".

In a subsequent Teshuvah²⁶, Rabbi Zilber addressed the question of the Chacham Tzvi and how Sefardim could make a Brachah over a Minhag.

Elaborating on his original Chiddush, he writes that lighting the Menorah outdoors in public has nothing to do with the custom of lighting in Shule. It is a continuation and fulfilment of the Mitzvah of Chaza"l to light the Menorah outdoors. As such, it is not a Minhag but Ikar Hadin of a Rabbinic Mitzvah. He qualifies that this applies only when the Menorah is lit outdoors, but not to lighting in indoor places.

Rabbi Shalom Masas (born Morocco 1909) served as Chief Sefardi Rabbi of Jerusalem. He was asked to give a Haskama (approbation) for a Sefer entitled Imrei Eliyahu. In the Sefer, the author had written that one should not make a Brachah at public Menorah lightings, as it is likely to be a Brachah Levatalah.

As is customary in Haskamos, Rav Masas shared a critique on this ruling.

"Concerning the Menorah lightings ar-



Rabbi Binyomin Zilber
Author Shaalos Uteshuvos
Az Nidberu

ranged by Chabad in the public squares in America and here in Israel and many people come to gather there. I am always invited to light the Menorah and share words of Torah with the crowd. I light with a Brachah and before lighting I say that whoever does not have a Chanukiya at home, should have in mind to be Yoitzai with my blessings²⁷.... The Beis Yosef records many reasons for lighting in Shule including Pirsumei Nissa... so too at these gatherings a large crowd comes, far more (even 4 or 5 times more) than to the Shule. Also, the Chanukiya is so big that one must go up on a ladder (which increases the Pirsumei Nissa). There is no doubt that this is permissible.”

In discussing this Mivtza, the Rebbe²⁸ explains that the public lightings are done for Pirsumei Nissa and it is preferable to be done outside and in very public areas. The Rebbe also said that at the public lightings, one should announce that no one is Yoitzai and should light at home²⁸.

Chassidus explains that the Menorah is specifically kindled outdoors because its light has the power to dispel the spiritual darkness of ‘the street’. May the light of the public Menorah campaign continue to illuminate our world and

the hearts of the hundreds of thousands of Jews who join in to participate.

In this Zechus may we merit to see the lighting of the Menorah by the Kohen Gadol in the Third Beis Hamikdash, with the coming of Moshiach when darkness will come to an end forever.

1. The Menorah was lit at the Kosel in Jerusalem and in a number of Shules, including the Melbourne Yeshivah. However, no proof can be brought from these locations as there is an established custom of lighting the Menorah in Shule.
2. 35 Inyan Hadlakas Ner Chanukah. The author of Tanya Rabasi is unknown. Some suggest that it was written by Rabbeinu Yechiel, the son of the Rosh.
3. Hilchos Chanukah
4. The author of Kol Bo is not known. Some suggest that it was written by Rabbi Aharon of Lunil as either a forerunner to Orchos Chaim or as a Kitzur.
5. Inyan Chanukah 185
6. Siman 111
7. Orach Chaim 671
8. Orach Chaim 671:7
9. Sukkah 44:
10. Tosfos Brachos 14a ד"ה ימים
11. Orach Chaim 422:2
12. Hilchos Brachos 11:16
13. Orach Chaim 422:2
14. Shaalah 88
15. Yabia Omer 7 OC 57:6
16. Orach Chaim 487:4. The Ram"o writes that the Minhag in Ashkenaz is not to recite Hallel in Shule on the night of Pesach
17. Siman 672
18. 6:65
19. Tzitz Eliezer 15:30
20. Quoted in Az Nidberu
21. 4:65
22. Yabia Omer 7 OC 57:6
23. For a biographical article see LIFT Volume 2
24. Volume 5 Siman 37,
25. Az Nidberu Volume 6 Siman 75 and Volume 11 Siman 32 and 34
26. Volume 11 Siman 32
27. This is against the ruling of the Rivash as brought by the Ram"o in Shulchan Aruch. However, this opinion is found in the Rishonim.
28. Toras Menachem Hisvaduyos 5747 volume 2 p98

Public Menora at Federation Square, Melbourne



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