Insights into Halacha

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## Chanuka, O Chanuka...

Applies to one-year students, too.

*Some footnotes are included in the PT version of the article; most are not. See website for full footnotes and sources.*

Just thinking about the holiday of Chanuka should be enough to warm the cockles of anyone's heart. With Chanukiya lighting, dreidel spinning, latkes, sufganiyot, family time and plenty of L'HODOT ULHALLEL, not to mention extra Torah learning, Chanuka gives us eight memorable days and nights. But even once you decide which opinions to follow regarding where and when to light the Chanukiya, there still remains an annual halachic debate that has been simmering since the time of the Rishonim. I am referring to whether one should light the Chanukiya or make Havdala first on Motza'ei Shabbat Chanuka.

## HAVDALA ↔ NER CHANUKA?

**IMPORTANT NOTE:** This question is only relevant if one has already ended Shabbat by reciting either ATA CHONANTANU in Maariv or HAMAVDIL BEIN KODESH L'CHOL (and Shabbat-out time has passed). Otherwise one would not be allowed to light Chanuka candles while it is still Shabbat for him. (nor say Havdala)

## Light the Chanukiya

Motza'ei Shabbat Chanuka is unique as it presents a situation of competing halachic principles. This has been the basis of the centuries-old debate regarding which mitzva should be performed first. The Shulchan Aruch rules that on Motza'ei Shabbat one should light the Chanukiya in Shul before making Havdala. The Rama adds that certainly at home one must do so as well, as lighting the Chanukiya precedes making Havdala. This is based on the T'rumat HaDeshen's applying the Talmudic dictum of AFUKEI YOMA M'ACHRINAN - delaying the leaving of Shabbat (see Gemara Pesachim 105b). Meaning, if one can delay ending Shabbat, he should do whatever is necessary to keep the holiness of Shabbat a bit longer. Therefore, they rule that it would be preferable to light the Chanukiya before making Havdala,

especially as it will augment the PIRSUMEI NISA by at least a few precious minutes.

## Taz: Tadir Tonight

However, the Taz counters that the famous Talmudic adage of TADIR KODEM takes precedence. When one is faced with doing two different Mitzvot, he should begin with the one that is performed more frequently. A prime Biblical example is that even on Shabbat, Yom Tov, and Rosh Chodesh, the Korban Tamid, the communal daily sacrifice, was offered before the Korban Musaf, the special sacrifice exclusive for those particular days. [See Bamidbar (Parshat Pinchas) Ch.28 and Gemara Zevachim 89a].

The Taz applies this TADIR principle to Motza'ei Shabbat Chanuka. He main- tains that since Havdala is made every Saturday night, whereas Chanuka candles are only kindled eight nights a year, making Havdala takes precedence. Additionally, he argues, once one lights Chanuka candles on Motza'ei Shabbat, he is showing that he intrinsically already ended Shabbat; if so, what further gain can there be by delaying Havdalah further?

*The Elya Rabba (Orach Chaim 681, 1) "answers up" this rhetorical question of the Taz and Pri Chodosh, explaining that until one actually makes Havdala, even though he already ended Shabbat and started doing Melacha, remnants of the holiness of Shabbat remain.*

He adds that the great Maharal MiPrague (this author's namesake) also ruled to make Havdala before lighting the Chanukiya.

## Taking Sides

As mentioned previously, this halachic debate has been ongoing for centuries, with many Poskim taking opposing sides. Those who sided with the Rama to light the Chanukiya first at home include such luminaries as the Levush, Magen Avraham, Vilna Gaon, Elya Rabba, and Chayei Adam, while other renowned decisors, including the Pri Chodosh, Chida, Ben Ish Chai, Kitzur Shulchan Aruch, and Aruch Hashulchan conclude that the Taz was correct and one should make Havdala first.

Many decisors offer additional rationales and reasons to explain why they feel that the other opinion is incorrect. For example, the famed Avnei Nezer wrote a point-by-point refutation of the Taz's proofs, while the Chedvas Yaakov later did the same to his arguments. And, interestingly, although Rav Yaakov Emden cites that his father, the renowned Chacham Tzvi, scorned those who would light Chanuka candles first, he nevertheless

**personally concluded that that is the correct course of action.**

## Contemporary Kindling

**Contemporary authorities also have taken sides on this issue. The Chazon Ish zt"l, Rav Yosef Elyahu Henkin zt"l, Rav Moshe Feinstein zt"l, Rav Shmuel Halevi Wosner zt"l, and Rav Ovadia Yosef zt"l, all personally made Havdala first, while the Tukachinsky Luach Eretz Yisrael, Rav Shlomo Zalman Auerbach zt"l, and Rav Yosef Shalom Elyashiv zt"l ruled that Neirot Chanuka should be kindled first.**

**In fact, Rav Shlomo Zalman and Rav Elyashiv were such ardent supporters of lighting the Chanukiya immediately after Shabbat that they ruled that even those who normally wait 72 minutes for Shabbat to end ("Zman Rabbeinu Tam") should not do so on Motza'ei Shabbat Chanuka; rather they should end Shabbat at an earlier zman and immediately light Chanuka candles, followed by Havdala. This is also how the Chazon Ish and Steipler Gaon zt"l personally were noheg on Motza'ei Shabbat Chanuka. (Although they personally made Havdala first, they still would perform both before "Zman Rabbeinu Tam" on Motza'ei Shabbat Chanuka.)**

*Interestingly, there are those who opine (see Rav Eliyahu Schlessinger of Gilo's classic sefer Mitzvat Ner Ish U'Beito, vol. 1, Ch. 10, footnote 20) that this difference of opinion is dependent on the locale. In Yerushalayim, where the common custom is to light Neirot Chanuka outdoors, the inyan of Pirsumei Nisa of passersby still exists. Ergo, the delay in lighting while making Havdala might somewhat lessen the potential Pirsumei Nisa. That is why many Yerushalayim-based poskim maintained preference for lighting before Havdala, while other poskim, from Bnei Brak and Chutz La'aretz, where the custom is to light indoors, did not feel this pressing need to mandate lighting Chanuka licht at the earliest possible moment, while there still is the Mitzva of Havdala to perform. Certainly an interesting theory.*

**On the other hand, Rav Moshe Feinstein zt"l, Rav Moshe Sternbuch, and Rav Ovadia Yosef zt"l do not agree, maintaining that those who normally wait 72 minutes should do so as well on Motza'ei Shabbat Chanuka, and only then light the Chanukiya.**

**However, a further qualification is made by Rav Moshe Sternbuch and the Karlsberger Rav, Rav Yechezkal Roth, that even according to those who hold to make Havdala first, nevertheless, if the setup and making Havdala would delay the Chanuka lighting more than a half hour after nightfall, then it would be preferable to light the Chanukiya first, to ensure that one does not miss an**

opportunity for the optimal time of the Mitzvah of kindling the Chanukiya.

## Lighting It Up

So, knowing that there is such a huge difference of opinion as to the proper halacha, what is one to do? The Mishna Berura, asking that very same question, famously concludes that in shul one should light Chanuka candles before making Havdalah (if applicable; many, if not most, shuls nowadays do not make a communal Havdala), yet at home D'AVID K'MAR AVID, UD-AVID K'MAR AVID", whichever shita one decides to follow, he is acting correctly. Accordingly, even if you have a minhag to light the Chanukiya first while your neighbor is busy making Havdala first, both of you should realize that both are equally halachically valid opinions.

It is told that Rav Yosef Chaim Zonnenfeld zt"l used to ask his wife to prepare his Chanukiya for him on Motza'ei Shabbat Chanuka outside his house (observing Minhag Yerushalayim) while he was still in shul. This way, when he came home, he would not have to enter into this machloket haposkim and decide which opinion to follow, but rather immediately light the Chanukiya (before Havdala) before actually entering his house, in order not to "pass over a Mitzva".

It is reported that Rav Yisrael Yaakov Fischer zt"l had an interesting custom as well. If Motza'ei Shabbat Chanuka fell out in the first half of Chanuka and he was therefore able to prepare the Chanukiya on Erev Shabbat for Motzai Shabbat (meaning set up the full amount needed for both days in his one Chanukiya), he would light the Chanukiya first, as soon as he would arrive home from shul. However, if Motza'ei Shabbat Chanuka fell out in the second half of Chanuka, and he would need to set up the Chanukiya on Motza'ei Shabbat itself, he would first make Havdala and only then prepare and light his Chanukiya.

## Don't Mix and Match

The noted Melamed L'Hoyil, Rav Dovid Tzvi Hoffman zt"l (late 1800s), wrote an interesting responsum, relating a personal anecdote. Apparently, after following the Taz's approach of making Havdala first for twenty-five years in his role as the Rav of Berlin, one Motza'ei Shabbat Chanuka he decided that he was going to follow the Rama's opinion and light the Chanukiya first, as it was getting late. As he was about to light, he suddenly remembered that he had uncharacteristically forgotten to say "Ata Chonantanu" in Maariv, and technically had not yet ended Shabbat. He realized that according to the Magen Avraham, he was now

required to make Havdala before lighting the Chanukiya.

*Magen Avraham (681, 1). The Maharal MiPrague (Ner Mitzva ibid.) also ruled this way. However, the Mishna Berura (681:2) writes that according to those who hold that Neirot Chanuka precedes Havdala, if one realized as he was about to light his Chanukiya that he forgot to say "Ata Chonantanu" in Maariv, then he should say "Baruch Hamavdil Bein Kodesh l'Chol" - effectively ending Shabbat, then light Chanuka candles, and only afterwards make Havdala, and not like Magen Avraham's psak. The Tukachinsky Luach (ibid.) rules this way as well.*

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, nonethe- less, it is improper for one to change his longstanding Minhag without strong reason.

There is a related story told of Rav Avrohom Pam zt"l, Rosh Yeshiva of Torah Vodaas, who was well known for his sensitivity and concern for others. He originally followed the shita of the Rama, and on Motza'ei Shabbat Chanuka would light the Chanukiya before making Havdala. One year one of his young children protested, claiming "I don't care what you do - I'm not lighting my Chanukiya before Havdala". Rav Pam perceived right away what was troubling his son: how can one kindle a fire before properly reciting Havdala? Wasn't it still Shabbat? Rav Pam realized that no matter how well he could justify his actions, explaining that one may engage in activities forbidden on Shabbat after reciting the formulaic insert "Ata 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 Shabbat desecration. He therefore immediately agreed with his son, saying that "from now on, we will do it your way", and proceeded to recite Havdala before kindling the Chanukiya.

**Whether we are contemplating the lights of Chanuka or the Havdala candle, regardless which we ended up lighting first, let us internalize their message that Hashem's hashgacha in this world, showing us the triumph of light over darkness, is eternal and everlasting.**

Postscript: This final psak of D'AVID K'MAR AVID, UD-AVID K'MAR AVID, regarding the kindling of Chanuka candles or the Havdala candle first applies to Ashkenazic practice due to said dispute over the centuries. However, regarding Sefardic prac-

**tice, it seems to be that they must make Havdala before lighting the Chanukiya at home (as opposed to in Shul, which would be the opposite, as explained above, which was the Shulchan Aruch's actual psak), as virtually all Sefardic Poskim, including the Pri Chodosh, Chida, Ben Ish Chai, Kaf HaChayim, Rav Ovadiah Yosef zt"l, Rav Mordechai Eliyahu zt"l, and the Yalkut Yosef, ruled this way.**

**Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.**

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