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CHANUKA AND PURIM: A STUDY OF THEIR DIFFERENCES

by Rabbi Nathaniel Helfgot

I - Introduction From a purely halakhic point of view, we generally regard Chanuka and Purim as equal in status. Both festivals are de-rabanan (rabbinically mandated), and the issue of "pirsum ha-nes" (publicizing the miracle) is central to both of them. This trend of thought finds expression in the Rambam's Mishneh Torah. As opposed to the other festivals, the halakhot of which are all dealt with individually - e.g. Hilkhot Shevitat He-asor (Yom Kippur), Hilkhot Chametz U-matza (Pesach) etc., the Rambam gives a joint heading to the laws of Chanuka and Purim: Hilkhot Megilla Ve-Chanuka. The first two chapters deal with the laws of Purim, and the third and fourth chapters deal with the laws of Chanuka.

In addition, the Rambam further emphasizes the connection between these two festivals in his laws of Chanuka. In 3:3 he writes:

And these days are called Chanuka, and eulogies and fasting are forbidden on them as on the days of Purim. And it is a mitzva to light candles on these days based on divrei soferim, as is the reading of the Megilla.

And further on, in halakha 4, the Rambam draws the following parallel: All those obligated to hear the reading of the Megilla are also obligated to light candles on Chanuka.

II - Differences Based on "Divrei Kabbala" Clearly, though, these quotations do not reflect the whole picture. The most obvious difference between Chanuka and Purim is that in contrast to Chanuka, on Purim we have a text - Megillat Ester, which is part of the kitvei kodesh. Purim was instituted by the nevi'im, and is included in the Written Torah. This fact is also emphasized by the Rambam at the beginning of his Hilkhot Megilla Ve-Chanuka: In the same way we are commanded to read the Megilla based on divrei soferim, and it is well known that this was an institution of the prophets (mi-takanat ha-nevi'im).

Thus, Purim falls under the category of divrei kabbala rather than simply divrei soferim or a regular de-rabanan. This difference between Chanuka and Purim is expressed in several ways:

1. The Problem of 'Bal Tosif' ("you shall not add...")

The question of the definition of bal tosif is a fundamental debate among the posekim.(2) Does the Torah mean to forbid only an addition to the cheftza (an existing law), e.g. five instead of four parshiot in the tefillin, or does the institution of an entirely new mitzva also transgress the principle of bal tosif? The Minchat Chinukh holds that the prohibition of bal tosif does not include the institution of a new mitzva, since Chazal themselves introduced new mitzvot; e.g., netillat yadayim, Chanuka etc. He writes:

Bal tosif certainly does not apply, for the Torah gives permission to the Sages to institute laws, be they kum ve-aseh (positive commands) or shev ve-al ta'aseh (negative commands), according to their times. And I have found no indication in the Rishonim that such an action would be included in the prohibition of bal tosif, since this involves only adding some addition onto a mitzva of the Torah.(3)

On the other hand, the view of the Ramban (in his commentary on the Torah) is exactly the opposite:

And I believe that even the invention of a totally new mitzva, for instance the institution of a new festival which one invents oneself, like Yeravam, transgresses the prohibition (of bal tosif).(4)

As the source of his position, the Ramban quotes the Gemara in Masekhet Megilla, 14b:

Our Rabbis taught: the forty-eight male prophets and seven female prophets who prophesized for Israel did not diminish from nor add to what is written in the Torah except for [their institution of] the reading of the Megilla. What do we learn from this? Rabbi Hiya bar Abin said in the name of Rabbi Yehoshua ben Karcha, kal vahomer - if when we were redeemed from slavery to freedom we recited praise, then should we not do so in celebration of being saved from death and granted life?!

Ramban also quotes the Talmud Yerushalmi (Megilla 1:7): Eighty-five elders, among whom some were prophets, were greatly troubled over this matter [the institution of reading the Megilla]. They said, 'the Torah says "These are the mitzvot which God commanded Moshe" - these are the mitzvot which Moshe commanded us, this is what Moshe told us, and no prophet is authorized to add anything. Now Mordekhai and Ester want to institute something new for us.' They would not move, and argued backward and forwards until the Holy One, Blessed be He, enlightened them and they found it written in the Torah, in the Nevi'im and Ketuvim, etc.

The Ramban comments: "This [institution of the] commandment was forbidden to them, thus it falls into the category of bal tosif alav." If no source or proof could be found to allow the institution of Purim, then apparently this represented a transgression of bal tosif.

What is particularly interesting about the gemara in Megilla is the emphasis on the problematic nature of the reading of the Megilla. What about the Chanuka candles? Why is no similar question raised regarding the establishment of Chanuka as a transgression of the principle of bal tosif? Rashi raises this question on the spot:

And what of the Chanuka candles? The nevi'im had already decided this, but in the days of Mordekhai, Chagai, Zekharia and Malakhi still lived.

What does Rashi mean? A simple understanding of his words would seem to indicate that he doesn't believe that Chanuka presents a problem, since its source is not a takanat nevi'im. Only a mitzva which is introduced as falling under the category of divrei kabbala has the potential of conflicting with the principle of bal tosfif. A mitzva instituted with ruach ha-kodesh, and included in the kitvei ha-kodesh, can "compete" - if we may use such an expression - with the status of the 613 mitzvot as a complete and unalterable unit. A regular mitzva de-rabanan could not and cannot present any such competition, since it lacks the characteristics of a 'mitzva on the same level as a de-oraita'. Hence Chazal only felt the need to solve the 'problem' of the bal tosfif of Purim, while seeing no reason to raise the problem at all with regard to Chanuka.

If this is the case, then the first difference which we have discovered between Chanuka and Purim involves solving the problem of bal tosfif. Purim, which falls under the category of divrei kabbala, requires a solution while Chanuka, which is a regular de-rabanan, requires no special heter for its institution and mitzvot.

2. The Days Preceding the Two Chagim

A second difference between Purim as divrei kabbala and Chanuka as a regular de-rabanan concerns the problem of the days preceding the festival.

During the days of Megillat Ta'anit, it is prohibited to eulogize or to fast not only on the festivals but also on the days preceding and following them. Today we hold that Megillat Ta'anit is no longer binding - except for the days of Chanuka and Purim. If so, how can Ta'anit Ester be commemorated the day before Purim, a day on which fasting and eulogies are prohibited? There are some commentaries⁽⁵⁾ who bring to our attention the fact that in the beraita quoted in Rosh Ha-shana 19a, a differentiation is made between the Torah-based institutions of shabbatot and Yom Tov - on which the prohibition of eulogy and fasting applies, but not on the days preceding them - and Megillat Ta'anit, whose source is only de-rabanan. What is the significance of this difference? The gemara explains: These are words of Torah, and the words of Torah require no reinforcement. [The days of Megillat Ta'anit] are from divrei soferim, and divrei soferim require reinforcement.

If this is so, the Rishonim continue, then since Purim falls under the category of divrei kabbala and "divrei kabbala are compared to the words of Torah,"⁽⁶⁾ therefore Purim requires no reinforcement. Chanuka, on the other hand, which is simply a regular de-rabanan, still retains the prohibition of eulogy and fasting.

In practice, we make no differentiation between Chanuka and Purim, since there are other Rishonim who hold that when the Gemara declares that the law of Megillat Ta'anit is not cancelled with regard to Chanuka and Purim, this referred only to eulogy and fasting on the festive days themselves, but as regards the days beforehand and afterwards the law was cancelled even with concerning Chanuka and Purim.⁽⁷⁾ The halakha in Shulchan Arukh⁽⁸⁾ is decided according to this understanding, but it is interesting that the Bach holds that fasting is forbidden on the days preceding Chanuka, out of consideration for the reasons discussed above.

3. An Onen on Purim

A third difference which arises from the sources with regard to the status of Purim as *divrei kabbala* is the halakha with regard to an onen (mourner - before the burial) on Purim. An onen, as we know, is forbidden to eat meat or to drink wine. This prohibition applies on Chanuka as well, as on any regular day. With regard to Purim, according to the *Orchot Chayyim*,⁽⁹⁾ the commandment to have a seuda on Purim takes precedence over the law of aninut, since "this is an *aseh* which applies only to the individual and his mourning, and the other is an *aseh de- oraita* which applies to the many on Purim, since these are *divrei kabbala* - which are compared to words of Torah." This approach is even brought down in the *Shulchan Arukh*,⁽¹⁰⁾ demonstrating to what degree *divrei kabbala* can impact the laws of Purim, as opposed to Chanuka, where such a possibility is not even considered. The halakha with regard to Chanuka is clear: an onen observes all the rules of aninut, including the prohibition of eating meat and drinking wine.

4. Women's Obligation in Megilla

The fourth difference involved in defining Purim as *divrei kabbala* concerns the issue of a woman's obligation to read (or hear) the Megilla. The Gemara, in Megilla 4a, determines that women are obligated to read the Megilla (even though it is a time-bound positive mitzva) because "they too were part of the miracle."

The Rishonim debate whether, based on this gemara, a man can fulfill his obligation to read by hearing a woman read the Megilla. The approach of the Bahag (Ba'al Halachot Gedolot) is well known - that a woman cannot fulfill the obligation for a man since women are obligated to hear, whereas men are obligated to read. The Acharonim are divided in their commentaries⁽¹¹⁾ on the Bahag, but for our purposes we shall concentrate on the explanation of the Turei Even.⁽¹²⁾

The Turei Even rejects the Bahag's differentiation, but nevertheless maintains that women cannot fulfill the obligation for men since men are obligated because of *divrei kabbala* - an obligation originating with *ruach ha-kodesh* - whereas women are obligated only by virtue of a ruling by the Rabbis, who determined that "they too were part of the miracle." Therefore, hold the Turei Even, the level of obligation of men and women is not equal, and hence the problem exists of someone who is not obligated trying to fulfill the obligation for someone who is - the same problem as is presented by a minor wishing to fulfill the obligation for an adult.

Since Chanuka is not based in *divrei kabbala*, the law of lighting candles is different from that of the Megilla. Here, the halakha is that women can fulfill the obligation for men without any problem. In the words of the Be'er Hetev, "A woman can kindle the Chanuka lights and thereby even fulfill the obligation of a man, which is not so with regard to the Megilla."⁽¹³⁾

If this is so, an interesting situation is created with regard to Chanuka: Since the obligation is based on a regular *de-rabanan* ruling, men and women are equally bound - since both are obligated by a regular rabbinic ruling. On the other hand, where Purim is concerned (according to the Turei Even), the basic obligation is based on *divrei kabbala*, and the women's obligation is a regular *de-rabanan*.

In truth, there is great room for disagreement with the Turei Even, from several points of view.

His pesak is based on two assumptions: 1. Someone whose obligation is of a certain level cannot fulfill the obligation of someone who is obligated on a different level, and in this respect the difference between a de-oraita and a de-rabanan is comparable to the different levels of de-rabanan itself. 2. The obligation of women with regard to Megilla reading is on a different level from that of men. The Turei Even's conclusion can be rejected on the basis of either one of his two assumptions. Even if we accept the second assumption, i.e. that different levels of obligation are involved, this does not lead us to the conclusion that women cannot fulfill the obligation of a man. First, there is a fundamental debate among the Rishonim as to whether the law concerning "someone who is not obligated" applies only to a person who is not obligated at all in the relevant matter and who comes to fulfill the obligation of someone who is obligated, or if this applies even to someone who is obligated but on a different level. Rashi (and those who follow his opinion) in Berakhot 48a explicitly states that a minor can fulfill the obligation of his father in reciting Birkat Ha-mazon, since he too is obligated in Birkat Ha-mazon - based on the principle of chinukh. According to Rashi, a person only needs to be defined as being obligated, on whatever level, in order to be able to fulfill the obligation of someone else who is obligated in the same mitzva.

Second, even if we reject Rashi's approach (as we sometimes do in halakha), there is still room for argument. We may agree that perhaps the person obligated de-rabanan may not fulfill the obligation of someone obligated de-oraita, since the difference between them is too great - and therefore in relation to the latter, the former is really comparable to "someone who is not obligated." On the other hand, when we are speaking of internal differences in the category of de-rabanan, perhaps it is less simple to define someone obligated on level 'X' as "someone who is not obligated" in comparison with someone who is obligated on level Y. Here, the difference in obligation is not so great since Chazal is the source of both requirements, and hence perhaps someone whose requirement is based on "they too were part..." could indeed fulfill the duty of someone who is obligated based on divrei kabbala.

But even if we accept this argument of the Turei Even, we can disagree with the second assumption altogether and say that the obligation of women, based on "they too were part..." is not a secondary obligation. Rather, it is teaching us that even though in general women are exempted from the basic obligation because of the time-factor consideration, here we are returning women to within the confines of the regular obligation. According to this understanding, women are obligated based on divrei kabbala just as men are. This was the approach of the GRIZ zt"l on Rambam, who ruled that women are obligated to read the Megilla without any reservation. He says,

We need to define what the obligation (of "they too") actually is. Is it an attempt to obligate women be-ikar ha-din, (even though in general women are exempted from positive commandments bound by time) based on the idea that 'they too were part of the miracle' and therefore the ikar hadin and the obligation apply to them exactly as it does to men, and their obligation is equal? Or is the actual obligation of Megilla reading definitely a time-bound positive mitzva from which women are exempted, such that their obligation arises from a rabbinic chiyuv and such that the obligations

of men and women in Megilla reading are actually different... the opinion of the Rambam is that their obligation is identical, and therefore women can fulfill the obligation for men.(14)

III - Differences Based on Mi-de'oraita Concerns We may also point out some differences between Purim and Chanuka - not on the de-rabanan level but rather on the leof de-oraita, based on a different issue altogether.

There are several Acharonim - and in particular Maran Ha-Rav Soloveitchik zt"l, in his shiurim - who suggest that even where de-rabanan festivals are concerned, with their obligation rooted in a takanat chazal, there are still de-oraita commandments to be fulfilled.

This idea can be explained in one of four ways: a) The gemara in Megilla quoted above, which discusses the source of the obligation to read the Megilla, raises the kal va-chomer, "if when we were redeemed from slavery to freedom we recited praise, then should we not do so in celebration of being saved from death and granted life?!" The Chatam Sofer maintains that on the basis of this gemara, Chanuka and Purim represent a kiyum de-oraita based on this kal va-chomer. He says, On Purim and Chanuka... the remembering of the miracle - from death to life - is a real de-oraita, based on this kal va-chomer... to make some remembrance of the miracle. But the quality and quantity of the remembrance is de-rabanan, for instance the reading of the Megilla and mishloach manot and lighting candles on Chanuka - all this is de-rabanan, but the idea of making some remembrance, the very minimum of which is the prohibition of eulogy and fasting, is de-oraita, based on the above-mentioned kal va-chomer.(15)

What the Chatam Sofer is saying is quite clear, and served as an important source in the debates between the Posekim as to the institution of Yom Ha- atzma'ut.(16)

But we may also examine the difference between Chanuka and Purim based on the Chatam Sofer's principle. Indeed, on Purim, the kal va-chomer is easily understood - in the days of Mordekhai and Ester the nation of Israel was threatened with physical extinction, and was saved. Hence, kal va-chomer, in celebration of being saved from death and granted life, we offer praise. With regard to Chanuka, the threat was qualitatively different. Here the danger was the loss of independence and spiritual assimilation. The crucial delivery from this crisis is not equivalent to the delivery on Purim, as is emphasized by the Acharonim in several places. If so then we should specify that on Purim there is a kiyum de-oraita based on the kal va-chomer, but for Chanuka we still require another source in order to be able to relate to the celebration of the day as a kiyum based on the Torah.

b) A second source for regarding Purim as a fulfillment of a de-oraita arises from the discussion in Megilla 7a regarding the establishment of Purim as a festival and Megillat Ester as part of the kitvei kodesh. The gemara relates an argument between Ester and the sages of the generation: Ester sent to them, saying 'write it for all generations.' They sent back to her, saying 'does it not say "to the third" - third and not fourth.' Until they found a source: It is written in the Torah, "Write this as a remembrance in a book." "Write this" - that which is written here (in Shemot) and in the Mishneh Torah; "A remembrance" - that which is written in the nevi'im; "In a book" - that which is written in the Megilla.

This argument also appears in the Yerushalmi,(17) where it is presented in a sharper manner as a question regarding bal tosif: "Mordekhai and Ester now want to introduce something new..." and the answer: "They found it written in the Torah, in the Nevi'im and Ketuvim." Maran HaRav Soloveitchik ztz"l offered the following peshat explanation: The Gemara is determining here that there is a fulfillment of wiping out Amalek in the story of Purim, and a further kiyum of remembering Amalek in the reading of the Megilla. These are both positive commandments de-oraita, and thus we are assured that there is no danger of transgressing bal tosif since nothing is being added to what the Torah already tells us. We are merely relating incidents and events which are the realization of a de-oraita concept - that of wiping out Amalek.

However, it is clear that this kiyum can only serve as a source for the days of Purim - when there was conflict and war with the descendants of Amalek. With regard to Chanuka, the wiping out and remembering of Amalek cannot serve as a basis for any kiyum de-oraita.

c) A third possible source is derived from an excerpt from the end of the Rambam's list of mitzvot at the beginning of his Mishneh Torah. This section appears immediately prior to the presentation of the contents of the 14 books the Yad, and relates to the question of bal tosif with regard to mitzvot de-rabanan, such as the reading of the Megilla, Chanuka, eiruv, and netillat yadayim. In his discussion, the Rambam writes as follows:

And what was the Torah warning against in the prohibition of lo tosif alav ve-lo tigma mimenu? That no prophet is authorized to introduce something new and to say that God commanded us to make an eiruv, or to read the Megilla at the proper time. If they were to say such a thing they would be 'adding onto the Torah.' Rather, we say that the prophets, together with the beit din, instituted and commanded that we read the Megilla at the proper time in order to recount the praises of God and the salvation which he brought to us... and in order to teach future generations that everything the Torah promises us is true, as it says, "For what nation is there so great, that has God so near to them."(Devarim 4: 7)(18)

A new basis for argument arises from the Rambam's words. In our celebration of Purim and Chanuka, we are testifying to the hashgacha peratit of God over the nation of Israel, and the eternal promise of special closeness that God reveals towards Keneset Yisrael throughout the generations. Chanuka and Purim realize the fulfillment of praise to God for saving Israel from various dangers. Thereby, we fulfill the kiyum de-oraita of praising God, and increase awareness of the principle of 'what nation is there so great, that has God so near to them....'

Clearly, from this point of view there is no difference between Purim and Chanuka. The special hashgacha of the Creator is revealed on Chanuka as well, and we acknowledge and offer thanks "al hanissim," for the miracles which He wrought for us.

d) The final kiyum which we shall discuss is related to the concept of simcha, "happiness" or "celebration," which appears in Torah and in halakha. One source for the mitzva of simcha is to be found in the parshat ha-regalim: "And you shall rejoice in your festival (ve-samachta be-chagekha), you and your son and your daughter..."(19) As explained in the Gemara(20) and codified by the Rambam:

On the seven days of Pesach and the eight days of Sukkot, as well as on the other Yamim Tovim, eulogies and fasting are prohibited, and one is obligated to be sameach and content on these days - he and his children and his wife and the members of his household, all those who are attached to him, as it is written: 'Ve-samachta be- chagekha.' Even though the simcha referred to here is the shelamim sacrifices, as we have explained in Hilkhot Chagigah, the concept also requires that he and all the members of his household are joyous, each in his own way.(21)

A second source for the concept of simcha appears in parshat ha- chatzotzrot in Bemidbar 10: 10:

Also in the day of your gladness, and in your solemn days, and in the beginnings of your months, you shall blow with the trumpets over your burnt offerings and over the sacrifices of your peace offerings...(22)

Here the Torah speaks of 'days of gladness' as an existing concept, and we need to clarify exactly what this concept involves. I.e., is it the same as those days which are included in the mitzva of 've-samachta be-chagekha,' which seems to apply only to the regalim(23)? It is particularly interesting to note that R. Avraham Ibn Ezra, in his commentary on this verse, explains:

In the day of your gladness - when you return from the enemy's country, or you have vanquished the enemy who descended upon you, and you set down a day for joy like Purim, or the seven days of Chizkiyahu (or, there are those who hold 'or the days of Chanuka').

If we turn our attention to purely halakhic sou, we shall find sources along the same lines. In Megillat Ester we find: Therefore the Jews of the villages, who dwell in the unwallled towns, make the fourteenth day of the month Adar a day of gladness and feasting and holiday... And Mordekhai wrote... to enjoin upon them that they should keep the fourteenth day of the month Adar, and the fifteenth day of the same... days of feasting and joy...(24)

The gemara in Megilla 5a comments that the Jews did not actually accept for all generations everything that was commemorated that first year: [The prohibitions of] Eulogy and fasting they accepted upon themselves; [the prohibition of] melakha they did not accept upon themselves. That is why it says, 'gladness and feasting and holiday [yom tov],' and later on it says only 'make them days of feasting and joy,' but 'yom tov' is not mentioned.

R. Hillel Novetsky comments on this gemara in his article in Alon Shevut: We need to ask exactly what it was that they did not accept upon themselves for future generations. Did they not accept Purim as a 'yom tov' at all, or did they accept it as a yom tov (in matters of simcha) but without the usual prohibition of melakha? For we learn further on in the Gemara (Megilla 16b): 'The Jews had light and gladness... and honor - Rav Yehuda said, gladness means 'yom tov,' as it says, 'and you shall be glad (ve-samachta) on your festival.'(25)

To this, we may add what the Rambam writes in Hilkhhot Megilla: "The commandment of the fourteenth day for the villagers is to be a day of simcha and celebration, etc."(26) It seems, therefore, that the days of Purim are indeed to be regarded as days of simcha.

At the same time we should note the Rambam's words in Hilkhot Chanuka: "The Sages of that generation decreed that these eight days, commencing on the eve of the 25th of Kislev, should be days of simcha and Hallel."(27)

But we may differentiate between the simcha of Chanuka and that of Purim even on the de-rabanan level, based on the chiluk made by Maran HaRav zt"l with regard to the mitzvot involved in the simcha:

This commandment involves two aspects: 1) The simcha of a pilgrim festival based on the biblical injunction of 've-samachta be- chagekha.' This mitzva involved bringing shelamim sacrifices and eating them, during the time of the Beit Ha-mikdash, and in our times by the other characteristics of simcha, such as meat and wine and special clothing etc., as explained in Pesachim (109a)... 2) Simcha which is expressed by praising God, the kiyum of which is internal (in the heart), and this is carried out by singing praise and song according to the biblical injunction of 'also in the day of your gladness, and in your solemn days, and in the beginnings of your months, you shall blow with the trumpets over your burnt offerings, and over the sacrifices of your peace offerings' (Bemidbar 10: 10), which refers to all the festivals, and it seems that the recitation of Hallel on the festivals is based upon this principle of simcha, i.e. that of song.. In the same way, with regard to Chanuka, the Rambam used (Hilkhot Chanuka 3:3) the concept of 'days of simcha and Hallel,' instead of the wording of the beraita (Shabbat 21b): 'the following year they instituted a yom tov with Hallel and thanksgiving.' Obviously, the Rambam does not mean that Chanuka is similar to Purim as regards the obligations of celebration and simcha by means of eating and drinking. There was never any such suggestion. Our great teacher merely wished to explain the obligation of Hallel on Chanuka, and since every instance where Hallel was instituted there is also an obligation of simcha, it is impossible to fulfill the obligation of the recitation of Hallel without any connection to the fulfillment of simcha which expresses itself in the recitation of song.(28)

A proof for the above position of the Rav zt"l can be brought from the Maharitz in his Sha'arei Simcha, with regard to Rosh Chodesh, Purim and Chanuka:

For these are days of simcha, as it says,'also in the day of your gladness, and in your solemn days...', and on each of them we recite Hallel: 'This is the day which God has wrought, let us be joyful and glad on it.'(29)

Hence we see that there is a kiyum of simcha based on the principle of "also on the days of your gladness," which is expressed in the recitation of Hallel. This simcha, which is either an obligation de-rabanan or a kiyum de-oraita,(30) is also given expression on Chanuka and Purim.(31)

But this fulfillment of simcha is only half of the picture, since we may argue that it is only with regard to the kiyum of 'the days of your gladness' that Purim and Chanuka are equal. When it comes to the original kiyum of simcha, on the other hand, which is based on the concept of "ve-samachta be-chagekha," this applies only to Purim and not to the days of Chanuka.

Before we continue, we should define the scope of the mitzva of 've- samachta be- chagekha.' We generally assume that this pasuk applies only to the actual holidays, but we should consider the possibility that the scope of the mitzva - or at least its aspect of kiyum - extends further than that. As commented by R. Hillel Novetsky in

the article quoted above, the Sefer Ha-Yir'im (siman 227) already extended the concept of 've-samachta be-chagekha' to include Rosh Chodesh:

And we also learn from here ("ve-samachta") that it is forbidden to mourn on Rosh Chodesh, and one is obligated to be happy on this day.(32)

R. Novetsky posits that we may also include other days, such as Purim, under the kiyum of 've-samachta be-chagekha,' since the concept of 'your festival' ('chagekha') is something which the Torah authorized the Sages to determine, i.e. which are the chagim and mo'adim.(33)

But it seems, once again, that this kiyum of 've-samachta be-chagekha' would apply to Purim but not to Chanuka. And we find in the gemara quoted above, "The Jews had light and simcha... 'simcha' refers to Yom Tov, as it says, 've- samachta be-chagekha.'"

The simcha of Purim is being compared with the principle of 've-samachta be-chagekha,' something which has no relationship to the institution of Chanuka. And it seems that this is the source of the difference between the obligation to have a seuda on Purim and the lack of such an obligation on Chanuka. The Rambam writes explicitly in his Hilkhos Yom Tov that part of the obligation of simcha based on 've-samachta be-chagekha' is the eating of Yom Tov meals, and it is interesting to note the Rambam's words:

And people eat meat and drink wine, for there is no simcha without meat and wine. And when he eats and drinks he is obligated to feed the stranger and the orphan and the widow, together with the other unfortunate poor.(34)

The Rambam uses almost exactly the same words to emphasize the obligation of the seuda and to list the hierarchy of priorities of the mitzvot of simcha on Purim:

But the simcha and the feast are only made on the fourteenth... What is the obligation of this seuda? He should eat meat and arrange a nice feast according to his means, and should drink wine to the point of drunkenness... and is obligated to distribute to the poor on the day of Purim.... It is preferable to give many presents to the poor rather than spending more on his feast or on mishloach manot. For there is no greater and grander simcha than to gladden the hearts of the poor and orphans and widows and strangers, for he who gladdens the heart of these unfortunates is compared to the Shekhinah.(35)

From the Rambam's language it is clear that for him, matanot la-eyyonim is a part of the kiyum mitzva on Purim, and he presents that mitzva almost in the same light as he does the mitzva of simcha mi-de'oraita in chapter 6 of Hilkhos Yom Tov.

All this is applicable to Purim, but on Chanuka there is no obligation of a seuda or tzedakah, since these are based totally on "and you shall be glad on your festival, you and your son and your daughter and the stranger within your gates." On Chanuka there is only that aspect of simcha which expresses itself in the recitation of Hallel, and with obligation of a seuda or tzedaka.

In addition to these points, we should note the position of the Sh'iltot(36) which holds that the laws of aveilut are nullified on Purim, and that Purim even cancels the seven days of aveilut. R. Meir of Rottenberg differs with this shita and holds that the seven days are not cancelled, and that the cancellation of aveilut applies only on Purim itself. This shita, which is brought down by the Rema,(37) emphasizes the difference in the concept of simcha on Chanuka as opposed to Purim. Such a concept has no source with regard to Chanuka, when the halakha - agreed upon unanimously - is that the laws of aveilut are observed on all of the eight days of the festival, whereas on Purim there are respected opinions which hold that aveilut is not observed, since it is a yom simcha. Particularly if we accept the assumption of the Rav zt"l,(38) that aveilut is not observed on Yom Tov - not for technical reasons but rather because of the conflict between the mitzva of simcha and the mitzva of sorrow and mourning which are two kiyumim shebalev - the fundamental difference between the simcha of Purim and that of Chanuka is clearly apparent.

IV - Conclusions We have seen how although the institutions of Chanuka and Purim share many important similarities, they can also be seen as being based on fundamentally different issues. These conceptual differences are carried through by the Rishonim and Acharonim into practical consequences - nafka minot - into the realm of practical halakha, thereby illustrating a central tenet of the halakhic process: theoretical issues are not merely matters of intellectual curiosity. Rather, their consequences are of the utmost importance for our daily lives, even on the celebratory days of Chanuka and Purim. While we rejoice on these days, the halakha reminds us that we must always remember the exact basis for our celebrations.

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Endnotes: 1Translated by Kaeren Fish, from a longer article that will be printed in the forthcoming "Sefer Ha-yovel" from Yeshivat Har Etzion. An untranslated addendum to this article was originally printed in the Purim 5755 issue (6) of Alon Shevut La-bogrim, pp. 67-70. 2See further under "bal tosif" in the Talmudic Encyclopedia, vol. 3, pp. 426-430. 3Mitzva 454. 4Devarim 4:1-2. 5See the Rosh on Masekhet Ta'anit, siman 24; Ran in Rosh Ha-shana 19a (d.h. "lo kashia") and others. 6Rosh Hashana 19a. 7See Tosafot in Ta'anit 18a, d.h. "Rav..."; Ritva in Megilla 2a, d.h. "Peshita..." 8Orach Chayyim 686:1. 9As quoted in the Tur, Orach Chayyim 686. 10696:7. 11See article by R. Mordekhai Willig, shlita, in Zikhron Yaakov (a Sefer Zikaron for Maran HaRav Soloveitchik zt"l) pp. 58-82. 12Megilla 4a, d.h. "Nashim Chayavot..." 13665:3. 14Introduction by the GRIZ to Kuntres Chanuka U-megilla by R. Chaim Aharon Tordin z"l, Kuntres Megilla p. 55. 15Responsa of the Chatam Sofer, Orach Chayyim 208. It should be noted that according to the opinion of the Netziv this fulfillment was only a kiyum in the first year of the festival's institution, as is apparent from the words of the Sheiltot: "Reish sh'ilta" etc., and see further the Ha-amek Shela, ad locum. 16See further in Hilkhhot Yom Ha-atzma'ut and Yom Yerushalayim (ed. by R. Nahum Rakover, Jerusalem, 5733), pp. 25-122. 17Megilla, chapter 1. 18I believe that I heard the same idea from HaRav Lichtenstein, shlita, many years ago in his explanation of the Rambam. We may also raise the possibility that this kiyum is similar in some respects to the idea of Kiddush Ha-Shem in the world, but the scope of this article does not allow for elaboration. 19Devarim 16:14. 20Pesachim 109b. 21Hilkhhot Yom Tov, 6:7. 22See Dr. Avraham Marcus' article in this issue: "The Mitzva of Tekiat Chatzotzrot: Pageantry with a Holy Message." 23See Mishnat Ya'avetz, Orach Chayyim 50, and Moadim U-zmanim, 1:4. 249:19-22. 25Volume 120 - "Purim and Chanuka as Yamim Tovim," p. 56. 262:14. 273:3.

28Shiurim le-zecher Avi Mori, z"l, part 1, pp. 120-121. 29Hilkhhot Avel, p.59. 30See Ramban's notations to the Sefer Ha-mitzvot of the Rambam, (Chavel edition,) p. 22. 31There is also a recitation of Hallel on Purim as determined by the Rambam in Hilkhhot Chanuka 3:6, that "the reading of the Megilla is the Hallel." See the sugya in Megilla 14a and the Meiri there. 32Chapter 227 in Sefer Ha-Yir'im. 33p.62, and see there the quotation of my esteemed friend, R. Yair Kahn, that "even Yamim Tovim de-oraita depend on the declaration and determination of the Beit Din in order to attain their status as a festival ("mekadesh Yisrael ve-ha'zemanim" - Rosh Ha-shana 25a.) If this is so, then perhaps the determination by the Beit Din is what bestows the de-oraita character of the day - even to festivals which have a Rabbinic basis. 346:18. 35Hilkhhot Megilla, 2:15,17. 36Sh'ilta 67. 37Orach Chayyim 696:4. 38See further in Shiurim le-zecher Avi Mori z"l, vol. 2, "Regarding Mourning," pp. 182-196.

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Yeshivat Har Etzion
Alon Shvut, Israel, 90433
office@etzion.org.il