

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
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Hallel

The gemara in Shabbat (21b) describes the events which occasioned the miracle of Chanukah. Unlike other Chagim whose history is recorded in Scripture, Chanukah does not enjoy inclusion in Tanakh. For this reason Chazal preface the halakhot of Chanukah with a narrative of the EVENTS of this Chag. The gemara relates that after the miracle of the oil "the next year these dates were instituted as days of Hallel and hodayah." The Rambam in Hilkhos Chanukah perek 6 preserves the same syntax when he writes that the days were designated for 'Hallel and simcha.' In light of this syntax, this week's shiur will address the topic of Hallel.

Probably the most basic question pertaining to Hallel is the source of this mitzva. Is Hallel a Biblical commandment and if so what is its source? Might we suggest that the notion of reciting Hallel is only Rabbinic in nature? There are several gemarot which must be acknowledged before probing the Rishonim for their positions regarding this question.

The Gemara in Eruchin (10a-10b) provides a list of the 18 days a year on which the entire Hallel is recited. Though it does not explicitly address the 'level' of this mitzva it does cite a pasuk. When questioning the absence of Hallel on Rosh Chodesh (during which Hallel is only a custom - hence we recite 'half-Hallel') the gemara cites a verse in Yeshayah 30:29 "Ha-shir yih'yeh lakhem ke-leil hitkadesh chag" (literally 'the song (to be sung upon redemption) will be akin to the song sung during the night of the Chag - (a reference to the Hallel recited during the night of the Seder)). Although the gemara does not exclaim Hallel to be Mi-d'oraita it does recognize Hallel within a pasuk of Tanakh.

The second gemara to cite this list does appear to establish Hallel as d'oraita. The gemara in Ta'anit (28b) questions the rationale for suspending 'ma'amadot.' Each day two sacrifices were offered in Mikdash on behalf of the entire nation (korban tamid shel shachar and tamid shel bein ha-arbayim). Since korbanot cannot be offered anonymously weekly delegates were assigned to supervise the korban. Each shift was comprised of Kohanim and Levi'im who entered the mikdash to recite Tehillim during the sacrifice of the korban as well as non-Kohanim who gathered in their respective cities for a day of tefilla and fasting. These shifts were known as ma'amadot - (literally standing 'upon' the korban - as its symbolic owner). According to the mishna (26a) such ceremonies were suspended on the first of Tevet owing to the recital of Hallel because of Chanukah. At this stage the gemara suggests that ma'amadot should also be suspended on the first of Nissan since on that day Hallel was recited for Rosh Chodesh. To this the gemara responds that Hallel

of Rosh Chodesh is different (does not warrant suspension of ma'amadot) for it is only Rabbinic. The clear impression from this gemara is that Hallel on other days IS d'oraita and DOES mandate suspension of ma'amadot. All the more striking is the inclusion of Chanukah within this list of Hallel's which are d'oraita and cancel ma'amadot.

A second gemara suggesting a 'Biblical' source for Hallel can be located in Pesachim (117). The gemara is fairly direct when it poses the question: this Hallel (in the format which we currently recite) - who first sung it? The gemara offers several responses each of which implies an early point of origin for the phenomenon of Hallel:

- 1) At first the gemara responds that the Nevi'im among the nation instituted the recitation of Hallel in response to national redemption.
- 2) Afterwards the gemara posits that Moshe and the people first recited Hallel after crossing the Red Sea.
- 3) Subsequently the gemara claims that Dovid Ha-melekh first recited Hallel.

Finally the gemara attempts to refute the last options by declaring "is it possible that Jews fulfilled lulav and sacrificed korban Pesach and did not recite Hallel?" Obviously Hallel predated Dovid Ha-melekh. The 'impressions' drawn from this gemara are that Hallel is not merely a Rabbinic institution. Though a Biblical source is not provided it seems to have been recited (through minhag, spontaneous response, or decrees of Nevi'im) well before the days of Chazal. Again no explicit source is mentioned but Hallel seems to supersede a mere takanat d'rabanen. This gemara would then be similar to the gemara in Ta'anit suggesting a d'oraita status to Hallel.

By contrast, the gemara in Berakhot (14a) might imply that Hallel is only d'rabanen. Discussing the laws of interrupting certain parts of prayer to greet others, the gemara questions interrupting Hallel for this purpose. The gemara reasons "if Kriyat Shema which is d'oraita is interrupted to greet others certainly Hallel and Megilla WHICH ARE ONLY D'RABANEN should be halted." Though the gemara does not specify WHICH type of Hallel is referred to, the clear impression is that Hallel IN GENERAL is only d'rabanen.

SUMMARY : We have analyzed several gemarot and they seem to provide contradictory impressions about whether Hallel is a d'oraita. Even the gemarot which suggest as much, fail to supply a source.

The Rishonim adopt differing approaches regarding this issue and the manner of reconciling the various gemarot. The Rambam in Hilkhos Chanukah U-megilla 3:5-6 is quite absolute in describing Hallel as d'rabanen (he employs the term 'divrei sofrim' which might reflect a different category. For the purposes of this shiur we will assume that the Rambam intends d'rabanen.) The same position can be gleaned from Tosafot to Berakhot (20b) s.v. be-tefilla. Tosafot want to claim that the exemption of zeman gerama for women applies to d'rabanen mitzvot as well. This he confirms from a gemara in Succa (38a) which excuses women from Hallel on Succot.

The Ra'avad in his comments to the Rambam is troubled by the gemara in Erukhin which cites the verse in Yeshayah. Hence he claims that although Hallel is not d'oraita it cannot be defined as d'rabanan either. Any mitzva which is alluded to in Tanakh is labeled 'divrei kabbala.' For example kavod shabbat and oneg shabbat mentioned in Yeshayah (58) are considered divrei kabbala. So is Kriyat Megilla (mentioned of course in Megillat Esther) as well as the four fast days (mentioned in Zecharyah (8;19)). Since Hallel is referenced in Tanakh it must be labeled divrei kabbala. There might be distinct halakhic ramifications to this difference. In general safek d'oraita le-chumra while safek d'rabanan le-kula (doubts arising regarding Biblical laws are decided along stringent lines while doubts regarding Rabbinic laws can be treated less stringently). According to many positions divrei kabbala has to be treated as d'oraita in cases of safek. Similarly, the ability of non-Rosh Chodesh Hallel to cancel ma'amadot would be justified based on its being divrei kabbala and not just d'rabanan. The gemara already indicated that 'pure' d'rabanan Hallel such as Rosh Chodesh would not cancel ma'amadot.

The Maggid Mishna in explaining the Rambam is concerned about a different gemara - Pesachim 117 - which announced that the Nevi'im instituted Hallel recitation in response to national salvation. This gemara as well would indicate a higher status for Hallel than merely d'rabanan. He replies that this 'Nevi'im' brand of Hallel would only apply to Hallel recited IMMEDIATELY after a miracle were performed. Such Hallel would indeed supersede d'rabanan and more closely resemble d'oraita. However Hallel which is recited each year on the day in which a miracle occurred would be d'rabanan as the Rambam maintained. Rav Velvel (the Brisker Rov) claims that Hallel in immediate response to a miracle is not just different in terms of its level (Nevi'im vs. d'rabanan). In fact this form of Hallel represents an entirely new variety of Hallel - which he terms 'shira' rather than 'Kri'a.' (Note: This section of Rav Velvel can be seen at the website <http://www.vbm-torah.org/sources/metho08.htm>)

In stark contrast to the aforementioned positions - all of which denied Hallel a pure d'oraita status - lies the position of the Ramban. In his comments to the Rambam's Sefer Ha-mitzvot [the Rambam wrote an 'introduction' known as Shoroshim in which he presents different criteria for 'counting mitzvot.' The Ramban wrote comments on this introduction as well.] he claims that Hallel is d'oraita - based primarily upon the gemara in Ta'anit (which assigned only ROSH CHODESH Hallel as d'rabanan) suggesting a higher status for other Hallels. In addition the Ramban cites the gemara in Pesachim (117) which again implies that Hallel predated any Rabbinic decree. In terms of a source for Hallel he presents two options:

- a) Hallel is a 'halakha le-Moshe mi-Sinai - a d'oraita which was described orally to Moshe and passed down through our masorah,
- b) Hallel is an element of the d'oraita mitzva to rejoice on Yom Tov. That mitzva mandates all forms of happiness and rejoicing - of which Hallel is one variety. The Ramban concedes that Hallel on Chanukah can only be d'rabanan since there is no Biblical mitzva of simcha on these days.

This second approach of the Ramban arouses much debate. First of all the underlying assumption of the Ramban - that Hallel is a form of simcha - can certainly be questioned. The Ramban cites a gemara in Erukhin (11a) which asks:

from where do we derive the basic concept of shira in the Torah... from the verse "because you did not worship God with happiness and a good heart (you will be punished - see Devarim 28)" .. what is service of happiness and gladness of heart - shira.

The Ramban infers from this gemara that reciting our version of Hallel is a manifestation of simcha. If we are commanded on Yom Tov to engage in acts of simcha - reciting Hallel is one such expression.

The Sha'agat Aryeh is concerned with broader ramifications of the Ramban's position. First of all, according to the Ramban, why should women be excluded from Hallel? After all the gemara in Succa suggested their exemption from Hallel on Succot. If Hallel is a variety of simcha and women are obligated to fulfill simchat Yom tov (according to one position in Kiddushin (34b)) they should be required to recite Hallel. The truth is that according to the Ramban they might be required and the gemara in Succa might be referring to a very specific brand of Hallel from which they are exempt. Hallel on Succot might - at some level - be integrated with the mitzva of four minim. Since women are clearly exempt from the latter mitzva they might also be exempt from its companion Hallel. This does not necessarily exclude them from non-Succot Hallel.

The second concern raised by the Sha'agat Aryeh related to reciting Hallel at night. If indeed Hallel is an expression of simcha it should apply equally to the nighttime when the mitzva of simcha applies. Never reciting Hallel at night would refute the position of the Ramban. In partial defense of the Ramban we would not demand a SECOND recital at night and might wait until the morning Shacharit - a more appropriate context for Hallel. But at least according to the Ramban we should ALLOW Hallel to be recited at night - and not just on Pesach night.

A position analogous to the Ramban is adopted by the Semak (146) who also attributes d'oraita status to Hallel. He bases it upon a pasuk in Devarim 10;21 – "He is your praise and your G-d." What is striking about the Semak is his positioning the mitzva of Hallel alongside the mitzva to THANK God after a miracle was performed. He includes the mitzva of korban toda and possibly the present day expression of birkat ha-gomel. All these he lists within the same mitzva and based upon the same pasuk. This classification scheme greatly influences the nature and scope of the mitzva of Hallel. Evidently, according to the Semak, the mitzva of Hallel is not to PRAISE God but to THANK HIM.

In addition this Biblical mitzva – such defined - would only apply to those who did not experience the miracle. The mitzva of Toda (korban or berakha) only applies to those who experienced the miracle and only once in

their lifetime (rather than annually). Would these same criteria be applied to the related mitzva of Hallel? Even if we discriminate between Hallel and Toda in these practical issues, we might still view the Hallel of the Semak as more akin to GRATITUDE/Toda and less to PRAISE.

May we merit the rebuilding of the Mikdash and in our lifetime witness the recital of Hallel during korbanot.

Chanukah Same'ach
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