

HALOCHOSCOPE

Congregation Shaaray Tefilah, Pittsburgh, PA

This week's question:

May one use scented candles for the Chanuka Menorah?

The issues:

- (A) Using or Misusing the Chanuka lights.
- (B) What is considered *Hana'ah*, benefit?
- (C) *Hukta Lemitzvasa*, something that was set aside for use in performing a Mitzvah.

(A) Using the Chanuka Lights

It is forbidden to make use of the Chanuka lights, such as to read by their light. Actually, this prohibition is mentioned in the Talmud in at least two places, apparently for two different reasons. In one passage the Talmud forbids counting money by the Chanuka lights because of *Bizuy Mitzvah*, "insulting" or scorning the Mitzvah. This kind of activity is disrespectful when done in the presence of the Mitzvah lights. Accordingly, any activity that is not disrespectful, such as learning Torah, may be done in their presence. However, elsewhere, the Talmud records a debate whether one may simply use the light of the Menorah. The conclusion of the Poskim favors the opinion forbidding their use. There are a number of explanations given for this opinion. We shall deal with two of them, one now and one in Section C. Rashi's explanation is that since these candles are not merely to light up one's home, as are the Shabbos candles, but to publicize the miracle of the oil, it must be clear to the onlooker that these are no ordinary lights. This we shall call *Heher*. If one is seen using them as he would any ordinary lights, it is no longer clear that they are there for the Mitzvah, hence the prohibition against using them. Accordingly, any minor and short-term uses might not be included in this prohibition since they do not necessarily show them to be ordinary lights. Thus, provided the use is not *Bizuy Mitzvah*, one could use the light to see something for a moment. However, many authorities do not permit even a casual use. There are varying opinions on the permissibility of learning, even casually, by the light. [See Shabbos 21a-22a, Rashi, Rosh, Rif Ma'or, Ran, Poskim Shulchan Aruch Orach Chaim 673:1 commentaries.]

Benefitting passively is permitted; for example, one is permitted to benefit from them if one would not have lit them to light up his way, but since

they are anyway alight he is using them. He may remain in the room and enjoy the light as long as he does not actively use it for an activity for which he would normally light another candle, e.g. to eat by. There is also a question about benefitting from the light at a distance; it is customary to follow the stringent view. [See Sh. Ar. O.C. 673:1 commentaries. Mishne Berura 9-11 Aruch Hashulchan 7-8, 671:21.]

In order to avoid benefitting from the lights, the Talmud mandates having a *Shamash*, another light that is kept separate but close by the Chanuka lights. One should also make this Shamash bigger than the others or place it somewhat higher than them. Thus, when benefitting from the lights, one is also using the Shamash. In this way, one is not gaining benefit solely from the Chanuka lights, and thereby saving himself from lighting his usual candle; he is also making it clear that they are there purely to publicize the miracle. By placing the Shamash close by the Menora, he will be able to do menial activities by its light, yet not be considered disrespectful to the Mitzvah because he is not using the Mitzvah light for it. [See Shabbos 21b. Sh. Ar. 671:5. Biur Halacha, Aruch Hashulchan 21. 673:1. Rema, Mishne Berura 2, commentaries.]

(B) Hana'ah.

What kind of benefit is forbidden? The first issue to address is what may one not benefit from? Is it the flame, the oil (in an oil Menorah), or the light? There appears to be a consensus that the flame itself may not be used for mundane purposes, such as to cook with or to light another candle. The only possible use that might be permitted is to light another Chanuka light from it, which is a subject of Talmudic debate. Although, strictly speaking, the Poskim rule leniently, allowing one to kindle the second candle from the first, it is customary to forbid doing so, especially since there are many complicated details that can lead to confusion.

Their oil may not be used either, for example, in cooking, once they have been kindled, even if they were extinguished. The reason for this will be discussed in greater detail in section C.

However, the main benefit referred to by the Talmud and most Poskim is their light. This, too, can be understood in two ways: One may not use their light, in their presence, because of *Bizuy Mitzvah* and *Heker*, but if their light spreads into the hallways or another room, one may make use of it there. Or, their light is *Asur Behana'ah*, forbidden to use, in and of itself, regardless of where the user is in relation to the light. If we assume that the lights are *Asur Behana'ah*, then any kind of use is forbidden. However, we find that certain intangible benefits were excluded from the category of *Hana'ah* with regard to another case of *Isur Hana'ah*. *Hekdesh*, something that was dedicated to the Bais Hamikdash, may not be used as *Chulin*, a non-holy use. This kind of misuse, or abuse, is called *Me'ilah*. *Kol*, the sound, *Mar'eh*, the sight, and *Re'ach*, the smell of *Hekdesh* is not considered *Hana'ah* with regard to *Me'ilah*.

There is, however, a slight difference between the way in which one may benefit from the first two and the way one may benefit from the third. One may enjoy the sight and sounds produced by *Hekdesh* in any form, but one may not smell it before it is burned, only after it has been burned. The reason for this is because before it is burned, the spices of *Hekdesh* are tangible, whereas the sight and sound are considered intangible. Nonetheless, even when one is not in violation of *Me'ilah*, they might well be forbidden, but exempt from the punishment. [See Pesachim 26a. Rashi, Tosafos, Sh. Ar. Y.D. 108:5-7. Shach commentaries.]

(C) Huktza Lemitzvasa

When something is designated for use in performing a Mitzvah, it may not be used for its other uses. This is derived from the laws of *Succa*, where the wood used for the *Succa* may not be used for other purposes during *Succos*. Once *Succos* is over, it is no longer "reserved" for the Mitzvah and may then be used. It appears to be a Scriptural law.

This, then, raises a serious question regarding the Chanuka lights: If they are *Huktza Lemitzvasa* and therefore forbidden to derive benefit from, why is there any debate about using their light? One could say that the light is *Mar'eh*, sight, an intangible benefit, but it has already been pointed out that this, too, might well be forbidden. One explanation is that the type of benefit meant in the prohibition of *Huktza Lemitzvasa* is only active benefit, while passive benefit would not be included. Thus, one may not actually light the Chanuka candles to see by, but once they are alight, one may use the light. The Talmudic debate is about even passive use of the light.

The oil that is being used in the Chanuka lights is also *Huktza Lemitzvasa*, and one may therefore not use it for food. In this case there are two conditions for the prohibition: it is not considered *Huktza* until it is lit and thus used for the Mitzvah; and many authorities permit its use after the lights have been burning for the minimum required time, because the extra time is no longer part of the Mitzvah. Some authorities require one to verbalize before they are lit, that when the lights have burned sufficient time, he wishes to use the remaining oil.

According to one opinion, *Huktza Lemitzvasa* is the main reason that one may not use the light of the Menora, rather than because of *Heker*. [See *Succa* 9a, *Beitzta* 30b, *Shabbos* 22a *Tosafos*, *Maor Ran*, *Poskim*, etc. Sh. Ar. O.C. 672:2 etc. commentaries. *Ner Ish Ubeiso* 9:1-6 and notes esp. No 5. end Sh. Ar. O.C. 678. commentaries]

In designating something for a Mitzvah, one is only refraining from using it for its otherwise intended use. Thus, on *Succos*, one may not smell his *Hadasim*, which are *Avida Lereicha*, made for their fragrance, or eat his *Esrog* which is its intended use. One may smell the *Esrog* because it is not meant to be smelled. (Today the custom is to forbid smelling the *Esrog*.) [See *Succa* 37b. Sh. Ar. O.C. 653:1.]

In our case, someone wishes to use scented candles for his Menora, feeling

that this would add *Hidur Mitzvah*, beautification of the Mitzvah. The fragrance is mixed in with the wax and is brought forth by the flame. Apparently the chemical used cannot give off its aroma without either the heat of the flame turning it into a gas, or the flame burning it. Either way, one is benefitting from the flame of the candle. If the real prohibition of using the Chanuka lights is on the light rather than the flame, this would not pose a problem. As far as Bizuy Mitzvah is concerned, one could argue that this is not Bizuy, but the opposite, *Hidur Mitzvah*. However, with regard to *Huktza Lemitzvasa* there is a problem. The candle is designated for the Mitzvah of the Chanuka lights, and may not be used for its usual purposes. One of the purposes of this particular flame is to propel the fragrance. In addition, the candle itself is *Huktza Lemitzvasa* and may not be benefitted from. Since this type of candle is made expressly to make the room smell good rather than as a light-source, it is *Avida Lereicha*, and may not be used for this purpose while being used for the Mitzvah. Although if one unintentionally used such candles one would not need to leave the room to avoid benefitting from them, (certainly if a Shamash was used at the same time,) one may not intentionally use them to give off their fragrance. Furthermore, it might be the flame that is forbidden to benefit from, rather than the light, in which case one may not use the flames to propel the fragrance.

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ANNOUNCEMENTS

SCHEDULE:

SHABBOS SHACHARIS	9:00 am
SHABBOS MINCHA	4:30 pm
SHACHARIS SUNDAY	8:00 am
SHACHARIS MON - FRI	7:00 am
MINCHA SUN - THURS	4:43 pm
CANDLE-LIGHTING VAYIGASH	4:35 pm
MINCHA EREV SHABBOS	4:45 pm

SHIURIM:

GEMORO Makos-	
SUNDAY	7:15 am
HALACHA B'Iyun-	
MONDAY	8:30 pm
HILCHOS Shabbos	
SHABBOS	8:15 am

Junior Minyan for boys on the third floor beginning at 9:00.
Playgroup with refreshments for preschoolers and first-grade girls on the second floor.

This Chanuka issue of HALOCHOSCOPE has been sponsored by the Tuesday-noontime downtown class.

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