

Sabbatical Smoldering

December 22, 2022

Q I am in Eretz Yisrael for Chanukah, and many Shmitah products are still available for purchase here. Is there a reason to refrain from using Shmitah olive oil for the menorah?



A The Torah commands that Shmitah produce must be used for *achilah* (eating) and not *hefsed* (waste). *Achilah* includes any use akin to eating, in that benefit is derived from the item as it is consumed. Using oil to fuel a flame meets this criterion, as the user benefits from the light as the oil is depleted (Rambam Shmitah 5:1).

For *ner* Chanukah, many *poskim* object to the use of Shmitah oil, because benefiting from the lights is forbidden, which renders the use *hefsed* (Sheivet Halevi 1:184).

Others dispute this, reasoning that although it is forbidden to benefit from the Chanukah lights directly, e.g., by using them to count money, one is allowed to sit in a room illuminated by the *neiros* and intentionally enjoy the ambiance they provide. This is considered *achilah* for Shmitah purposes and is permitted.

R' Shlomo Zalman Auerbach (Minchas Shlomo 1:42) gives another reason for leniency: The very fact that a mitzvah is fulfilled renders the usage *achilah* and not *hefsed*. The opposition observes that mitzvos *lav leihanos nitnu* (mitzvah fulfillment is not considered personal benefit).

R' Shlomo Zalman offers another rationale: The purpose of *ner* Chanukah is *pirsumei nisa* (publicizing the miracle), and that is a legitimate Shmitah use, just as a shopkeeper may light lamps with Shmitah oil in order to attract customers.

Since the *poskim* disagree, one should preferably avoid Shmitah oil. This is true even for the menorah of a child who has reached the age of *chinuch*, whose *ner* Chanukah holds *kedushah* (holiness) like an adult's and may not be used for mundane purposes (Halichos Shlomo 15:11).

It stands to reason that the *shamash* (service light) may be lit with Shmitah oil, because benefiting from it is permitted.

Aside from the prohibition of wasting Shmitah produce, there is an obligation of *biur* (to dispose of Shmitah produce when it is no longer found out in the fields). This is inapplicable to olive oil this year, because the *zman biur* for olives won't come until Shavuot time (Derech Emunah Kuntres Shvi'is 11; each species has its own *zman biur* based on its growth cycle).