

In Hilchos YOM TOV

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Now learn the issues & the opinions

The halachos of Shabbos Chanukah

A summary of the weekly Wednesday night shiur by **Rabbi Shmuel Stein** at the Miami Beach Community Kollel / To receive a copy send an email to InHilchosShabbos@gmail.com

There are several *halachos* that are unique to Shabbos Chanukah. In this chapter we will discuss the *halachos* that apply to:

- ❖ *Erev Shabbos Chanukah*
- ❖ *Shabbos Chanukah*
- ❖ *Motzai Shabbos Chanukah*

Erev Shabbos Chanukah

1) Davening mincha early on Erev Shabbos Chanukah

The *Mishnah Berura*¹ writes that “on *erev Shabbos Chanukah*, *l’chatchila*, it is proper for one to *daven mincha* before lighting the Menorah.” There are two reasons given for this halacha:

a. To resemble the order performed in the *Bais Ha’mikdash*.

Teffilas mincha that we daven each afternoon corresponds to the *korban tamid* that was sacrificed each afternoon in the *Bais Hamikdash*.² After the *korban tamid* was offered the Menorah was lit. Therefore, we light the Menorah only after davening *mincha*, because our Menorah commemorates and represents the Menorah of the *Bais Hamikdash*.

b. *Tartei d’sasrei* - Avoiding a halachic contradiction.

Lighting the Chanukah Menorah before davening *mincha* would seem to be a *tartei d’sasrei* – a situation where two halachos contradict each other, as follows: The *mitzva* of lighting the Chanukah Menorah on *erev Shabbos* “belongs” to the day of Shabbos, and davening *mincha* on *erev Shabbos* “belongs” to Friday. If one were to light the Menorah before davening *mincha* he would be performing the *mitzva* that belongs to Shabbos before performing the *mitzva* that belongs to Friday. In order to avoid this inconsistency, one should first *daven mincha* (which “belongs” to Friday) and then light the Chanukah Menorah (which “belongs” to Shabbos).³

Nevertheless, if someone is unable to daven *mincha* early, he may *b’dieved* light the Chanukah Menorah first and then daven *mincha* afterwards.⁴ Furthermore, if one’s only possibility to daven *mincha* with a *minyan* is by lighting the Chanukah Menorah before davening *mincha*, it is preferable to light the Chanukah Menorah first and then daven with a *minyan*.⁵

2) Lighting the Menorah on Erev Shabbos

Although during the week the Menorah is lit after it gets dark, on *erev Shabbos*, when it is not possible to light the Menorah after it gets dark, the Menorah is lit before Shabbos begins.

a) The earliest time to light the Menorah.

The *Mishnah Berura*⁶ writes that the Chanukah Menorah may only be lit after *plag ha’mincha* (1¼ hours of *Sha’os z’manios*⁷ before *Shkiya* (sunset)⁸) arrives. This year *plag ha’mincha* on *erev Shabbos* in Miami Beach is 4:22 pm, and the Chanukah Menorah may only be lit once this time arrives.⁹

b) One lights the Menorah before lighting the Shabbos candles

The *Shulchan Aruch*¹⁰ writes that on *erev Shabbos* one lights the Chanukah Menorah before lighting the Shabbos candles. The *Mishna Berura*¹¹ explains the reason for this is as follows: There is an opinion that holds that once a man lights the Shabbos candles he may no longer perform *melacha*. According to this opinion, if one were to light the Shabbos candles first, he could no longer light the Menorah. Although we generally do not follow this opinion, nevertheless, to comply with this opinion one should light the Chanukah Menorah before lighting the Shabbos. Furthermore, the *Ariza*¹² states that there are reasons based on *kabala* that dictate that one should not to light the Shabbos candles before lighting the Chanukah Menorah “as doing so can cause (spiritual) damage, G-d forbid.”

Women being present when the Menorah is lit on *erev Shabbos*.

Ideally women should be present when the Chanukah Menorah is lit and they should not leave to light the Shabbos candles until all of the candles of the Menorah are lit. However, if a woman realizes that the time to light the Shabbos candles is approaching, she should light the Shabbos candles as soon as her husband has lit just one of the candles of the Chanukah Menorah.¹³

c) How long must the oil burn?

The *Mishnah Berura*¹⁴ writes that one must ensure that the Menorah stay lit until a half an hour after *Tzais ha’kochavim* (when three medium stars appear). The *Gemara*¹⁵ states that one must keep the lights of the Chanukah Menorah burning “until people have left the market,” which the *Shulchan Aruch*¹⁶ explains takes place a half an hour after *Tzais ha’kochavim*. Therefore, the *Mishnah Berura* writes that one must ensure that enough oil is placed in the Menorah for it to stay lit until a half an hour after *Tzais ha’kochavim*.¹⁷

The *Mishnah Berura*¹⁸ writes that if someone does not have enough oil to ensure that all the lights of the Chanukah Menorah will burn for this amount time, he must ensure that at least one of the lights has enough oil to last this amount of time.

Shabbos Chanukah

The following are some halachos that are relevant for Shabbos Chanukah:

1) Playing Dreidel

One of the traditional customs of Chanukah is playing *dreidel*. However, playing *dreidel* in a way that a person stands to win something (e.g., chocolates, candies) poses a halachic issue on Shabbos. The *Rema*¹⁹ rules that it is prohibited on Shabbos to play games that involve betting. Playing games where the players stand to win or lose something are like *mekach u’memkar*, buying and selling on Shabbos. Therefore, playing *dreidel* on Shabbos in a manner where one stands to win or lose, is prohibited.²⁰

1 679:2 2 Shaarei Teshuva 679 3 Shar Hatzion 679:7 4 Mishna Berura 679:2 where he writes that it is proper “l’chatchila” to daven Mincha first, but b’dieved one may light before davening Mincha. 5 Elya Raba 679:1 [See Mikadesh Yisroel, Chanukah 251]. However, Rav Shmuel Kamenetzky (Kovetz Halachos 16:1) writes that it is preferable that one daven without a minyan in order to daven mincha before lighting the Menorah. 6 Mishna Berura 679:2 7 Mishna Berura 672:3 8 See Mishna Berura 672:3 who says to count 1¼hr from *tzais ha’kochaim*. However, Rav Moshe Feinstein is quoted (in sefer Halachos of Chanukah by Rav Shimon Eider pg. 41) that on *erev Shabbos* one may be lenient and [rely on the *poskim* who] count the 1¼ hours from *Shkiya* 9 Rav Moshe Feinstein (Igros Moshe O.C. 4:62) writes there is no reason to push off lighting the Menorah until close to *shkiya* because once *plag ha’mincha* arrives one may *l’chatchila* light the Chanukah Menorah so long as the Shabbos candles are lit immediately afterwards. This is because the correct time to light the Menorah on *erev Shabbos* is right before lighting the Shabbos candles, as long as this is done after *plag ha’mincha*. 10 Shulchan Aruch 679:1 11 Mishna Berura 679:1 12 cited in Ben Ish Chai Parshas Vayaisev 20 13 Ben Ish Chai Parshas Vayaisev 20 14 Mishna Berura 679:2 15 Shabbos 24b 16 672:1 17 For example, if the Menorah was lit 20 minutes before *Shkiya*: someone who follows the opinion that *Tzais ha’kochavim* occurs 72 minutes after *Shkiya* must put in enough oil to last two hours. [20 minutes until *Shkiyah* + 72 minutes until *Tzais* + 30 minutes until people leave the marketplace= 122 minutes]. Accordingly, this week in Miami Beach the candles would need to burn until 7:12pm. One who follows the opinion that *Tzais ha’kochavim* occurs 50 minutes after *Shkiya* must put in enough oil to last for one hour and 40 minutes. [20 minutes until *Shkiyah* + 50 minutes until *Tzais* + 30 minutes until people leave the marketplace= 100 minutes.] Accordingly, this week in Miami Beach the candles would need to burn until 6:51pm. 18 Mishna Berura ibid 19 Rema 338:5 20 Shmiras Shabbos 16:33, Nishmas Shabbos 6:410

Additionally, the Mishna Berura²¹ adds that even when one plays these games without betting it is still prohibited on Shabbos. Since these games generally involve betting, playing them on Shabbos resembles a weekday activity is prohibited under *Uvadin d'chol* (weekday activity). Accordingly, one should refrain from playing *dreidel* on Shabbos even when there is no betting involved.²² If one wishes to play *dreidel* on Shabbos (without betting) he may designate *dreidel* that will be used only for Shabbos.²³ This avoids the prohibition of *Uvadin d'chol* because doing so distinguishes that this is not a “weekday” *dreidel* but one that is specifically used for Shabbos.

2) Squeezing *Latkes* on Shabbos

Squeezing oil from a *latke* on Shabbos may involve the *melacha* of *Dosh* (Threshing/Extracting); to understand this issue we will quickly review the *melacha* of *Dosh*. One of the thirty-nine *melachos* of Shabbos is the *melacha* of *Dosh*.²⁴ In the Mishkan the *melacha* of *Dosh* was performed to produce the flour needed for the *lechem ha'panim* (the “showbread”) and wheat was threshed to extract kernels of wheat from its stalks. Therefore, any act that *extracts a food or liquid from its natural shell or attachment* is prohibited on Shabbos under the *melacha* of *Dosh*.²⁵ For example, it is prohibited to squeeze grapes for their juices, as doing so extracts the juices from the grapes violating the *melacha* of *Dosh*.²⁶ This would seem to make squeezing oil out of a *latke* on Shabbos problematic, as doing so extracts the oil from the *latke* violating the prohibition of *Dosh*. Nevertheless, squeezing out the oil from a *latke* on Shabbos is generally permitted based on the principle of *k'vashim*, as we will explain.

The Halachos of *K'vashim*

Any vegetable or food that has absorbed liquid *unnaturally* is categorized as *k'vashim*.²⁷ For example, vegetables in a chicken soup that absorb liquid from the soup are considered *k'vashim*, since they have absorbed the liquids unnaturally when being cooked. Similarly, *latkes* that absorbed oil while fried are considered *k'vashim* since they have absorbed the oil unnaturally. The Shulchan Aruch²⁸ rules that *k'vashim* have certain leniencies regarding the *melacha* of *Dosh*. If the liquid is extracted for the purpose of *enhancing the food*, and not to obtain the liquid, it is permissible to extract the liquid from the *k'vashim*. For example, it is permissible to squeeze out the *unwanted* liquid from soggy vegetables.²⁹ Likewise, one may use a napkin to squeeze out the *unwanted* oil from a *latke* in order to make it less greasy.³⁰

3) Giving a Chanukah Gift on Shabbos

The Mishna Berura³¹ writes that it is prohibited to give presents on Shabbos. When a present is transferred from one person to another, it gives the appearance of *mekach u'memkar*, and is therefore prohibited on Shabbos. Accordingly, giving a Chanukah present on Shabbos involves this prohibition. Still, there are several permissible ways to circumvent this issue and permit giving a gift on Shabbos:

1. Transferring the ownership of the gift to the recipient on *erev* Shabbos. The simplest way to resolve this issue is to give the gift to the recipient before Shabbos begins. However, if the giving the gift to the recipient is not possible or not ideal, one can transfer the ownership of gift to the recipient by means of a third person who acts as a *sh'liach* (messenger) on behalf of the recipient. Once the *sh'liach* accepts the gift on *erev* Shabbos the ownership of the gift has already been transferred to the

recipient and it may now be given to him on Shabbos because it already belongs to him.³²

2. Having intention not to acquire ownership of the gift. One may give the gift on Shabbos if the recipient has specific intention when accepting the gift that he wishes that no *kinyan* (acquisition) take place upon accepting it. Hence, since the ownership of the gift is not transferred on Shabbos, it may be given on Shabbos.³³

3. The gift is a Shabbos need. The Mishna Berura³⁴ rules that one may give a present on Shabbos if the gift is necessary for a Shabbos need. For example, a guest may bring a bottle of wine as a gift for his host to be used at the Shabbos meal. Similarly, one may give a Chanukah gift on Shabbos if it will be used for a Shabbos need.

Motzai Shabbos Chanukah

Lighting the Menorah on Motzai Shabbos

On *motzai Shabbos*, one should not delay lighting the Chanukah Menorah, but it should be lit immediately after Shabbos ends. Ideally, the Chanukah Menorah should be lit no later than the time that “people have left the marketplace”, which is a half an hour after *Tzais ha'kochavim*. Therefore, ideally one should try to light the Chanukah Menorah before this time.³⁵

Lighting the Chanukah Menorah and reciting *Havdalah*

There are two views among the *poskim* regarding the correct order for lighting the Chanukah Menorah and reciting *Havdalah*:

1. ***Havdalah* is recited first.** The *Taz* and other *poskim* cited in the Mishna Berura³⁶ rule that one should recite *Havdalah* first due to the principle of *tadir v'sh'aino tadir tadir kodem*, which states that if someone is presented with the opportunity to perform two *mitzvos*, the *mitzva* that is more frequently performed is performed first. In our case, the *mitzva* of *Havdalah* is more frequently performed and therefore these *poskim* rule that it should be performed first.

2. **The Menorah is lit first.** The *Shulchan Aruch* and *Rema*³⁷ rule that the Menorah should be lit first. Although we normally begin with the more commonly performed *mitzvah*, nevertheless, in our case there are a couple of reasons to light the Menorah first:

- It is preferable to prolong Shabbos as much as possible – therefore *Havdalah* should be pushed off until after the Chanukah Menorah is lit.³⁸
- Lighting the Menorah includes a unique aspect of *pirsumei nissa* (publicizing the miracle of Chanukah) and therefore lighting the Menorah takes precedence and is performed first.

The Mishna Berura³⁹ warns that one who follows this opinion must be cognizant to recite the prayer of “*ata chonantanu*” in *davening*, or “*hamavdil bein kodesh l'chol*” before lighting the Chanukah Menorah. Since it is prohibited to perform *melacha* on *motzai Shabbos* before reciting *Havdalah* or one of these prayers.

How do we rule?

The Mishnah Berura⁴⁰ writes “when it comes to lighting the Chanukah Menorah in *shul* on *Motzai Shabbos*, the custom has always been to light the Chanukah Menorah first and then recite *Havdalah*, and therefore, in *shul*, one should light the Chanukah Menorah first. However, in one's home there is no clear custom regarding which opinion to follow and therefore “*d'avid k'mar avid, u'd'avid k'mar avid*”- one may choose either order, since there are *poskim* that rule in accordance with each method.⁴¹

The intention of this summary is to discuss common practical *shaylos*. One should consult a Rav concerning *p'sak halacha*.

21 Mishna Berura 338:21. See *Igros Moshe* O.C. Vol. 5:22:10 where he rules that these toys are not *muktza* because they are used by children (as we will soon discuss). 22 Nishmas Shabbos 6:41 I. If someone wishes to play *dreidel* on Shabbos he should have a *dreidel* that is designated specifically for Shabbos use (Nishmas Shabbos *ibid*). 23 Nishmas Shabbos 6:41 I 24 Mishna Shabbos 73a 25 See *Chay Adam* klal 14:I 26 Shulchan Aruch 320:I Mishna Berura 320:I 27 Shulchan Aruch and Rama 320:7 Mishna Berura 320:23 28 Shulchan Aruch 320:7 Mishna Berura 320:24 29 39 Melachos pg. 341 30 *ibid* pg. 342. However, the *latkes* should be squeezed immediately before eating or serving in order to avoid the prohibition of Borer (Separating) [Ketzos HaShulchan 96: badei 19. However, the Tzitz Eliezer (17:11) rules that one may squeeze out the liquid even if it is not eaten right away.] 31 Mishna Berura 306:33 32 Shmiras Shabbos K'hilchaso 29:29 33 Shmiras Shabbos K'hilchaso *ibid* 34 Mishna Berura *ibid* 35 see *Shvus Yitzchak* pg. 75. Nevertheless, one need not daven earlier than he normally does on a typical Motzai Shabbos (Kovetz Halachos, Chanukah pg. 235) 36 681:3 37 681:2. This is also the opinion of the Magen Avraham, Gr”a and other *poskim* quoted in *Biur Halacha* 681 38 The *Taz* (681:1) questions this reason, how can we consider this to be prolonging Shabbos, if one clearly concluded Shabbos since he is performing *melacha* by lighting the Menorah? The *Pri Megadim* (681:1) answers that although one already began performing *melacha* by delaying *Havdalah* he shows that Shabbos is not a burden to him as he is procrastinating to conclude Shabbos entirely. 39 Mishna Berura 681:3 40 Mishna Berura 681:3 41 Rav Moshe Feinstein would first recite *Havdalah* (*Shu”t Videbarta Bam* (vol. 1, 186; citing Rav Dovid Feinstein relating his father, Rav Moshe’s, personal custom). Rav Shlomo Zalman Aurbach *Halichos Shlomo*, (*Moadim* vol. 1, *Hilchos Chanuka* Ch. 16, footnote 29) would first light the Chanukah Menorah then recite *Havdalah*. See Rav Shmuel Kamenetzky [Kovetz Halachos 16:10] writes that this dispute only applies when *Havdalah* was already heard in *shul* (even if one did not have in mind to fulfill his *mitzvah* with the *Havdalah* made in *shul*), but if someone davens in a *shul* that does not recite *Havdalah*, all would agree that he should first recite *Havdalah* at home and then light the Menorah. Sephardim should consult a Rav regarding which custom to follow as many Sephardic *poskim* rule that one should recite *Havdalah* first. Chasidim in general also first recite *Havdalah* (Mikadesh Yisroel, Chanukah 283)