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Chanukah – The Kindling of Continuity

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There is a law about Chanukah that I find moving and profound. The Rambam (Hilchot Chanukah 4:12) writes that “The commandment of Chanukah lights is very precious... One who lacks the money to buy lights should sell something, or if necessary borrow, so as to be able to fulfill the mitzvah.”

The question then arises: what if, on Friday afternoon, a person finds himself with only one candle? Should he light it as a Shabbat candle or a Chanukah one? It can't be both. Logic suggests that he should light it as a Chanukah candle. After all, there is no law that a person must sell or borrow to kindle lights for Shabbat. Yet the law is that if faced with such a choice, he should light it as a Shabbat light. Why? The Rambam explains (*ibid.* 4:14): “The Shab-

bat light takes priority because it symbolizes shalom bayit, domestic peace... And great is peace, because the entire Torah was given in order to make peace in the world.”

Consider: Chanukah commemorates one of the greatest military victories in Jewish history. Yet Jewish law rules that if a person can light only one candle – the Shabbat light takes precedence. Why? Because in Judaism, the home is valued more than the battlefield, marriage more than military grandeur, and children more than generals. Peace in the home matters more than the greatest military victory.

But Chanukah is about more than just what goes on at home or the values we impart to future generations. At its heart, Chanukah is about one of the first great clashes

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of civilization, between the Greeks and Jews of antiquity, Athens and Jerusalem. The ancient Greeks produced one of the most remarkable civilizations of all time: philosophers like Plato and Aristotle, historians like Herodotus and Thucydides, dramatists like Sophocles and Aeschylus. They produced art and architecture of a beauty that has never been surpassed. Yet in the second century before the Common Era, they were defeated by the group of Jewish fighters known as the Maccabees. And from then on, Greece as a world power went into rapid decline, while the tiny Jewish people survived every exile and persecution and are still alive and well today.

What was the difference? The Greeks, who did not believe in a single, loving God, gave the world the concept of tragedy. We strive, we struggle, at times we achieve greatness, but life has no ultimate purpose. The universe neither knows nor cares that we are here. Ancient Israel, on the other hand, gave the world the idea of hope. We are here because God created us with love, and through love we discover the meaning and purpose of life.

Tragic cultures eventually disintegrate and die. Lacking any sense of ultimate meaning, they lose the moral beliefs

and habits upon which continuity depends. They sacrifice happiness for pleasure. They sell the future for the present. They lose the passion and energy that brought them greatness in the first place. That's what happened to Ancient Greece.

Judaism and its culture of hope survived. If the lights of Shabbat are the lights of inner peace, the Chanukah lights are the symbol of our people's outer strength and survival, of Judaism's refusal to jettison its values for the glamour and prestige of a secular culture, then or now. So as we celebrate Chanukah, spare a thought for the real victory, which was not military but spiritual, not just physical but cultural. In Judaism, the light of peace takes precedence over the light of war. A candle of hope may seem a small thing, but upon it, the very survival of a civilization may depend.

On behalf of the students of Yeshiva, The Lamdan staff would like to express its deepest thanks to Chief Rabbi Sacks for his beautiful words of wisdom and inspiration. We look forward to similar opportunities in the future.

The YU Ethicist

Internet – Keeping it Under Control

ADAPTED FROM A SICHAH GIVEN BY RAV MORDECHAI WILLIG

This article will address internet filters, social media venues, and sharing too much information with the public.

A very prestigious Rav in the Far Rockaway community insists that if one wants to be part of his community, he must “sign on the dotted line” and report all internet devices that he has, along with which filtering device he uses. And he must use a monitoring system. I spoke to experts in the field, and my understanding is that one can circumvent all of these filters, and I believe the same holds for the monitors. As such, I am in favor of the filters and monitors *only if it is made crystal clear that this is not a complete security blanket*; nobody should think that if he installs these safeguards, there is nothing to worry about. I believe that these safeguards play a valuable role in being an *additional* security blanket only if it is kept in mind that the yeitzer hara still is there. Every generation has its tests, and this certainly is the test of our generation. The

yeitzer hara is there, everywhere. The only way to overcome it is old fashioned yir'at shamayim, whether yir'at hacheit or yir'at haromemut.

Regarding “social media venues,” an expert on these things named Phillip Rosenthal said that his one piece of advice for a person's teenage daughter is to get her off of Facebook. If we could stop people from using these venues just by prohibiting them, that would be wonderful. But we can't. Some people need them for work or education, but they must have their guard up. One needs to have good old fashioned yir'at shamayim *as well as* all the requisite technological safeguards.

All strands of the Orthodox Rabbinate, from Rav Wosner in Bnei Brak to Rav Sherlow of Yeshivat Hesder Petach Tikva, say exactly the same thing: there is a prohibition of yichud with the internet just like there is an prohibition of yichud with a woman. When I was young, if one wanted to see inappropriate material, he had to go into a disrepu-

table area. And even if one had the yeitzer hara for it, he was embarrassed even to be seen walking in such an area. People had yir'at basar v'dam to discourage them, so they didn't do it. But today, the same guy, with the same level of yir'at shamayim, can be down in his basement, late at night, and with one click he can get to this stuff. And what's worse is that sometimes it doesn't take any clicks; the stuff just pops up onto the screen. In the old days, as long as one didn't go out and dirty himself, he was clean, but now simply staying put is not enough; to stay clean, a person has to be active. It used to be that there was a chezkat tahara, but now there is a chezkat tum'ah. The computer must be in the main room, where everyone is milling around. Children have to know that mommy is looking, daddy is looking, and even parents, I am sorry to say, have to know that their son is looking, their daughter is looking.

The story is told that Rav Eliya Lopian was once giving a fiery mussar shmooze about mixed swimming, and a student came over to him afterwards and said, "I have been mixed swimming and it doesn't affect me at all." Rav Eliya pounded the table and screamed, "Call a doctor, this boy is sick." The point of the story is that the yeitzer hara affects normal people; you don't have to be sick to fall to temptation. Quite the reverse; a person is sick if he *does not* feel tempted by these things. I myself have been involved with cases of normal men whose wives caught them red-handed with this stuff. And they all said, "Chatati, aviti,

pashati," but their marriages were on the rocks.

Moreover, no one should think that if he turns off the internet, he will not have to face any challenges. There are challenges everywhere: on city buses, on billboards, everywhere. Certainly, a person is supposed to minimize the challenge. We all pray, "Al teiveinu lo lidei nisayon," that Hashem should not bring us into difficult situations. Some say that this is the closest thing we have to a tefilat shav, a useless prayer, since there almost certainly will be a challenge. So some want to interpret it as a prayer that we not fail the test, but that's not how I understood it. I thought it meant that we should not be given a test; we are crying to Hashem that we are afraid of tests, because we are worried that we will not be able to pass them.

The danger isn't only getting inappropriate stuff; it is also that the internet tempts us to share too much information with the public. What happened to the trait of tzniut? I heard that someone had some sort of shticky engagement, and he recorded it with a hidden camera and put the whole thing on Facebook, YouTube, etc. so that the whole world could watch how he got engaged. Is there no privacy? This is supposed to be one of the most private and intimate moments of one's life, when two people make one of the most important decisions of a lifetime. Do they want other people watching? A person should go to a place where no one is looking; it should be just short of yichud. Anything else is not appropriate.

"You Couldn't, I Couldn't:"

Contemporary Reflections on Reciprocity

ELCHANAN POUPKO

In a world where manual labor counts less relative to intellectual and personal qualities, interpersonal relationships in the workplace count more than ever. Networking, knowing the right people, and fostering positive relationships have become the bread and butter of the contemporary workplace. Usually, these relationships are highly reciprocal. One would not be able to expect an "in" in a company after a prior refusal to be of help to its executive. It is totally understandable that one would not show goodwill towards someone who has not shown goodwill when it was needed.

As Jews, however, we are taught otherwise. The Torah tells us, in a verse that is codified as part of the six hun-

dred and thirteen mitzvot, "*Lo tikom v'lo titor et benay amecha*," "You shall not take revenge or bear a grudge against your fellow" (Vayikra 19:18; see Rambam Sefer Hamitzvot lavin 304 and 305, Hilchot Dei'ot 7:7, and Sefer Hachinuch mitzvot 241 and 242).

The Gemara (Yoma 23a) says that the halachic definition of revenge is refusing someone a favor because of his prior refusal to do a favor, such as refusal to lend a tool to a neighbor who had earlier refused lending an identical tool. The paradigmatic example of bearing a grudge is acquiescing to lend them the tool while reminding the person of his earlier refusal.

This high standard of forgiveness and maturity seems

not only very difficult to live up to, but counter what Judaism itself teaches us. Entire masechtot in the Gemara deal with contentious lawsuits and financial claims that do not live up to this standard of forgiveness and absolution. In fact, the Ramban (Vayikra 19:18) writes that when the verse continues, “*Hochei’ach tochiach et amitecha*,” “Rebuke your fellow,” it means that if we feel someone has wronged us, we should make sure to tell him that we feel that way. Does this not contradict the Gemara’s statement that one should not even remind a friend of an instance in which he refused to do a favor? Certainly, then, we should not remind someone that he actually wronged us!

Furthermore, the Mishnah (Bava Metzia 75b; see also *ibid.* 14a, 49a, 77a, and 79a) tells us that if an employer gives workers a serious impression that he is going to hire them and does not end up doing so, they may rightfully bear a grudge against him (“Ein lahem alav ela tar’omet”). How do we reconcile the workers’ right to bear a grudge with the biblical prohibition against vengeance and bearing a grudge?

Rabbi Yitzchak Hutner (Pachad Yitzchak Yom Kippur 20:7) suggests an approach to this conundrum. A person’s status, argues Rabbi Hutner, can at times be established in a very narrow and particular respect. For example, there is no one who would suggest that a person who received a parking ticket should be considered a criminal; this particular violation does not affect the status of this person as a whole. Although what the person did was not commendable, it is not something that affects the whole person. At the same time, it is important to note that as far as the policeman and jurisdiction that issued the ticket are concerned, the ticket definitely is something serious,

something that needs to be straightened out. Similarly, there is no question that the Torah does not want chaos and disorder to rein in this world. Thus, batei din, litigation, and personal accountability all are taken as serious issues that must be resolved.

This does not mean, though, that animosity, grudges, and hostility should prevail. The Torah expects us to have the maturity and goodwill to be able to settle our interpersonal issues with others without entire relationships with said others being compromised; we should be able to settle those issues and move on happily with life. (See a similar approach in Orach Mishpatim, C.M. 232 s.v. u’var. A dissenting approach is found in Teshuvot Maharshag 2 pp. 68-69.)

This applies, however, only when someone actually harmed us or caused us damage. Refusing us a favor or goodwill is not a crime, nor can it be settled in beit din. A person is entitled not to do a favor, and although it may not be the nicest thing to do, it cannot be held against him.

Claims and feelings are important and should not be ignored, but only inasmuch as we actually have been wronged. Constructive, consequential, and solution-oriented disagreements are acceptable and sometimes even encouraged as long as they remain within their proper boundaries and do not poison other elements of our relationships with one another. Moving our lives in this direction will help us gain a proper perspective on what is important and what is not, help us understand that our fate is in our hands and not in others’, and make us the great people that we can be.

From the Masechta

Drara D’mamona and the Disputed Clothing

JONATHAN DRORY

The first Mishnah in Bava Metzia states that if two people are in dispute over a piece of clothing, each person takes a shevu’a (oath) and receives half of the item. The Gemara (Bava Metzia 2b) tries to figure out whether the Mishnah is consistent with the view of Sumchus, who maintains that when money is disputed by two parties, it is split evenly between them (see Bava Kama 36b and 46a,

Bava Metzia 100a). This differs from the Rabanan, who hold that the person with prior possession of the money (muchzak) keeps it, as the burden of proof is upon the one who wishes to extract the money. The Gemara establishes that according to the Rabanan, the shevu’a in the Mishnah is to enable each person to take one half. The Gemara is bothered by the fact that according to one view,

Sumchus maintains that contested money is split without a shevu'a even in a case where we could have imposed one, such as a case where each party is sure of his own claim (bari u'bari). It would seem, then, that the Mishnah is not consistent with Sumchus's opinion.

The Gemara suggests that even Sumchus would require a shevu'a in this case because it is a case without drara d'mamona. The meaning of this phrase is quite ambiguous. Tosafot (s.v. heicha) explain that drara d'mamona means an inherent doubt, one that the beit din recognizes even without the respective claims of the litigants. In other words, the known facts about the case indicate a doubt as to who deserves the money. In cases where the doubt is created by the facts on the ground, though, Sumchus holds that the contested money is split without the need for a shevu'a. According to Tosafot, then, in cases where there is an inherent doubt, beit din does not need to impose a shevu'a because such a doubt itself justifies the division. In the case of the Mishnah, the fact that both people are holding on to the item does not tell us that there is a doubt as to whose it is. It could belong to both of them, or perhaps one person is helping his friend hold the item. The doubt is created only when each one claims exclusive ownership. As such, in order to ensure that dividing the item is the correct move, beit din requires a shevu'a from both parties. It seems that according to Tosafot, the assumption is that the disputants will swear about the amount they presently are claiming; therefore, the shevu'ot are intended to verify that there is a doubt that justifies splitting the item.

The Gemara then argues that if Sumchus does not require a shevu'a in cases of drara d'mamona, where the money certainly belongs to only one of the disputants, then he certainly should require a shevu'a in cases where there is drara d'mamona for each person and it could belong to both of them. What does this statement mean? Tosafot write (see s.v. U'mah) that it is a change of what part of the shevu'a to stress. Instead of concentrating on the fact that the shevu'ot will justify the split, beit din ought to concentrate on the assumption that the obligation to swear will cause the liar to admit his guilt. In other words, the Gemara rejects the relevance of drara d'mamona to the requirement for a shevu'a, focusing instead on the attempt to weed out the liar. If so, there is less reason to require a shevu'a in the case of the Mishnah than in other cases, since the disputants might have picked up the item simultaneously. Accordingly, there may in fact be no liar, and the pressure of a shevu'a won't cause anyone to admit

his guilt.

The Ramban, though, explains drara d'mamona differently than Tosafot. He argues that drara d'mamona means that each party has an uncontested "association" with the contested item - some sort of chazaka (status quo) that would indicate that the object belongs to him. Many understand Tosafot and the Ramban to be extremely similar. If each person has an uncontested association with the item, there usually will be an inherent doubt to beit din (see Tosafot HaRosh). If this is correct, though, why do Tosafot explain the words drara d'mamona differently than the Ramban does? This is an especially difficult point given that the Ramban's understanding fits much better into the text of the Gemara. According to Tosafot, the statement that "each person has drara d'mamona" is not really true - it is the case that contains drara d'mamona. Although some say that Tosafot did not have this line in the Gemara, perhaps there is a better explanation.

In order to understand Tosafot, we need to figure out what exactly the Ramban meant. One of the cases in which Sumchus rules that the money should be split without a shevu'a is if a person trades a cow for a donkey and then discovers that the cow gave birth (Bava Metzia 100a). The cow's original owner claims it gave birth before the trade and thus remains in his possession, while the new owner argues that it gave birth after the trade, thus including it in the transaction. The Ramban contends that since each person has an uncontested chazaka on the cow at some point, it gives each one drara d'mamona regarding the calf. The chazaka on the cow presumably is supposed to provide some sort of indicator of ownership of the calf. The original owner can say that since he owned the cow and then it gave birth, there is reason to assume that he owned it when it gave birth. The new owner can say that since he owns the cow now, there is reason to assume he owned it when it gave birth. These chazakot provide contradictory options. The two parties do not agree about who owns the calf, but they do agree that each one has a chazaka that would indicate that he owns the calf. This is what the Ramban refers to when he says that there each person has an uncontested chazaka. If so, why would the case in the Mishnah not be one of drara d'mamona? Doesn't the fact that each person is holding onto the item indicate that he has some share in it? It must be that the Ramban holds that each person's grasp on the item is not an uncontested indicator of ownership. Since the other person is holding onto it as well, the chazaka normally created by each person's grasp is offset.

With this understanding, perhaps we can understand why Tosafot explain drara d'mamona differently than the Ramban does. Tosafot (2a s.v. veyachloku) explain that in the case of the Mishnah, each person has an "anan saha-dei," some form of proof, that what he is holding onto is his. While this may not mean that each person has definitive sole ownership over what he is holding, it is clear that Tosafot maintain that each person's grasp is an indi-

cator of ownership. If so, Tosafot could not say that drara d'mamona means an uncontested indication of ownership, as the Gemara states explicitly that the case of the Mishnah is one that does not have drara d'mamona. Accordingly, Tosafot are forced to define drara d'mamona as an inherent doubt to beit din, which the case of the Mishnah in fact does not have.

From the Parasha

From Bereishit to Shemot: The Mitzvah to Fulfill the Wishes of the Deceased

SAM FROMSON

The close of the book of Bereishit paints the scene of Yaakov on his deathbed with his sons gathered around him. Yaakov blesses each of them and tells them that his dying wish is for his body to be returned to Chevron. On this verse, the Midrash Hagadol (Bereishit 50:13) explains that there is a positive commandment to fulfill the final wishes of someone who has passed away. I would like to briefly investigate the nature of this obligation and consider its philosophical implications concerning the nature of the transition from Bereishit to Shemot.

The first issue to address is whether this mitzvah is biblical or rabbinic. The Gemara (Gittin 40a) presents a case in which a dying man requests his heirs to "deal kindly" with a certain slave girl - the implication is that she is to be presented with some form of monetary gift or offered her freedom. The heirs are obliged to abide by this request, and beit din is empowered to coerce them (kofin otam) to comply. The Gemara explains that it is a mitzvah to fulfill the wishes of the dead. Tosafot (Ketubot 86a s.v. pri-at) write that this mandate is rabbinic. The term "kofin," claim Tosafot, is used only with regards to rabbinic obligations for which there is no possibility of claiming the money through due legal process. Rabbi Yaakov Reisher (Teshuvot Shevut Yaakov 1:168) supports the position of Tosafot with an inference from the Torah. Pursuant to his request regarding burial, Yaakov makes Yosef swear that he will in fact carry out Yaakov's wishes. The fact that Yaakov is unwilling to rely on the obligation stemming from the mitzvah to fulfill the wishes of the deceased indicates that no such biblical mitzvah exists.

Another question is whether this mitzvah applies to all arenas or only to monetary law. The Tashbeitz (2:53) claims that the mitzvah to fulfill the wishes of the deceased is solely with regards to disposing of his assets. He argues that a dying person has no special status of a prophet or a king such that the living would be required to follow his commands. This approach is rejected by Rav Yosef Shaul Natanson (Teshuvot Sho'eil U'Meishiv 2:173).

If the mitzvah extends only to monetary obligations, then the third point to investigate must be the exact nature of the monetary obligation that can be created by the wishes of a dying person. The key comparison for this concept is that of a present given by someone on his deathbed (matnat shchiv mera). This is distinct from a regular gift in that it is unnecessary for the recipient to make a formal acquisition (kinyan) of the item, which usually is a prerequisite for a transferal on ownership (Bava Batra 156a). There also are several further conditions for this type of gift to be effective, including the fact that the person must be in imminent danger of death with no prognosis for recovery. It is clear from the Tosafot cited above that the command of a person about to die does not create the same reality of acquisition as a gift given on a deathbed. The Ketzot Hachoshen (248:5) concurs, citing the Hagoth Mordechai (Bava Batra 666) as an additional proponent of this view. Furthermore, Rabbeinu Tam maintains that we uphold the request of a dying person only if the money is deposited in the care of a third party before the person dies. Absent this situation, beit din does not coerce the heirs to carry out the request. The Shulchan

Aruch (C.M. 252:2) codifies the view of Rabbeinu Tam. The Rama (*ibid.*) notes that if the heirs sold an item that a dying person requested to be given as a gift, the intended recipient cannot make a claim against the purchaser to regain the item. Thus, the mitzvah to fulfill the wish of a dying person concerning distribution of his assets essentially is at the discretion of his heirs, unsupported by the courts of law unless a third party is involved.

At this point, it is necessary to recall the opinion of Rav Yosef Shaul Natanson that this mitzvah extends beyond monetary law. He references Yaakov's final plea to Yosef and writes that this mitzvah is based on carrying out chessed ve'emet, kindness and truth, to the deceased, fulfilling his will in a way that he no longer can. This remit extends beyond monetary law and fundamentally is a chessed, an act by which a person extends himself for the sake of the other. This makes sense of the limitations of this mitzvah outlined above. It is true that the dead has no right to command the living, and it is true that a financial

obligation from beyond the grave is little more than discretionary. But to take these parameters alone is missing the point of the mitzvah. The focus of the mitzvah is not on what the courts can enforce, but rather on the responsibility of the individual to reach out and willingly do the right thing.

The key element of the shift from Bereishit to Shemot is the transmission of mesorah. This is encapsulated by the shift from avot to banim and the development of the Jewish people from a single family into a nation. This continuity is something that cannot exist without that capacity for chessed and emet, the drive to extend oneself past the narrow bounds of the present and reject egocentric self-interest in favor of faith and faithfulness, to draw from the directives of the past to influence the future. This is the root of the mitzvah to fulfill the wishes of the dead, and without this sensitivity, mesorah cannot survive. B'ezrat Hashem, we will all merit the strength and resolve to actualize this sensitivity within our own lives.

Inyana D'yoma

The Chanukah Candles—Something to See

YITZY RADNER

A cursory perusal of Masechet Shabbat 21a through 23b yields several indications that making use of neirot Chanukah is forbidden. For example, Rabi Yirmiyah (21b) explains Rav as maintaining, "Making use of the light of a Chanukah candle is forbidden." Rava (21b) likewise explains that it is necessary to have a shamesh-candle adjacent to neirot Chanukah in order to alleviate the issue of deriving use from neirot Chanukah. Similarly, R. Asi (22a) proscribes "counting coins by the light of neirot Chanukah." The Shulchan Aruch correspondingly cites each of the aforementioned statements, scattering them throughout Hilchot Chanukah. Moreover, the Shulchan Aruch asserts (O.C. 677:4) that one must destroy any leftover oil from the eight days of Chanukah. Thus, it seems safe to conclude that making use of neirot Chanukah is forbidden.

But before shutting the Gemara and Shulchan Aruch, there are a plethora of questions begging to be asked. What precisely does the phrase "forbidden to make use of neirot Chanukah" mean? Is the prohibition reflected in the cheftza or the gavva? In other words, are neirot Chanukah imbued with an issur that renders them inherently forbidden, perhaps like the issur of chameitz on Pesach? Or is the issur to utilize neirot Chanukah simply a halachic mandate dictating

expected behavior of Jews for the duration of the mitzvah, comparable to the issur of plowing on Shabbat?

One practical distinction between the two aforementioned possibilities is that if the neirot Chanukah are not inherently forbidden, they should become permissible for use after the mitzvah is finished (either after being lit for the requisite amount of time or, at least, after the eight days of Chanukah). If, on the other hand, the neirot Chanukah are inherently prohibited, then they should remain prohibited even after the mitzvah is over.

But perhaps it would be prudent to take a step back to consider what exactly the word "use" means in this context. Are there particular activities that exemplify "use" over others? For example, while it may be quite plausible to qualify fueling a car or frying latkes with the oil of neirot Chanukah as a form of "use," characterizing the act of smelling the aroma of scented neirot Chanukah or reading a Gemara by the light of neirot Chanukah as "usage" seems to demand a slightly more generous dose of creativity! Is it truly logical to equate the utilization of oil via fueling a car with that of merely sniffing expelled fragrance? Was Chazal's interdiction of using neirot Chanukah meant to be so broadly employed?

Moreover, what precisely would it mean for neirot Chanu-

kah to be inherently prohibited? Which specific component or components of neirot Chanukah could possibly be imbued with issur? To elaborate further, while we may understand how oil can be permeated by issur, how are we to understand the concept that the light itself contains issur and that, consequently, there is a proscription to make use of that issur-tainted light? Can there really be issur “staining” each photon of the candles’ glimmer? Would halachic imagination likewise allow for the possibility of the molecules of the scented neirot Chanukah’s aroma consisting of issur?

A survey of nine Rishonim’s explanations of the relevant pages of Gemara (Rashi, Ri Mi’Lunil, Ran, Ramban, Rashba, Baal HaMa’or, Rosh, Mordechai, and Me’iri) yields no less than nine different interpretations for the prohibition of using neirot Chanukah. Yet each of the nine analyses contains any or all of four basic postulates: First, Neirot Chanukah, which serve as commemoration of the menorah in the Beit HaMikdash, are imbued with a kedusha that stems from the menorah in the Beit HaMikdash. Second, Neirot Chanukah, which serve to publicly celebrate the miracle of Chanukah, must be discernible as a commemorative device (heker). Third, Neirot Chanukah, which serve as essential apparatus for fulfilling a mitzvah, may not be disgraced – much like essential apparatus for any other mitzvah that may not be disgraced (bizui mitzvah). Finally, Neirot Chanukah, which are designated to be used expressly for the mitzvah of Chanukah, may not be used for non-mitzvah purposes (huktzah l’mitzvah).

One way to distinguish between the explanations is by noting the permutations of and interplay between these basic postulates. For instance, distinction between explanations can be highlighted by whether the four basic elements are entertained as multiple independent reasons for the issur or as multiple reasons regulated by a single predominant reason.

The Ramban (in his *Milchamot Hashem*) offers perhaps the best sense of the issur’s complexity and the tensions of this multi-dimensional sugya. The Ramban understands that the issur to utilize neirot Chanukah employs 3 postulates – two of which function independently but are, nevertheless, interconnected, and a third, which operates entirely autonomously of the other two. The Ramban explains that there is a basic discrete issur to make use of neirot Chanukah because they must be discernible as a commemorative device; consequently, utilizing neirot Chanukah for non-commemorative purposes would impede the essential conveyance of the neirot’s message. However, such an issur would discourage only uses that conflict with the neirot’s discernibility as a mode for commemoration. Furthermore, since the nature of this issur does not affect the neirot’s inherent status, usage would become permissible upon the mitzvah’s conclusion.

Now, if the Ramban’s approach consisted only of the heker concept, it would be identical to that of Rashi, which, according to some, begins and ends with heker. Moreover, the Ramban would concur with Rashi’s position that all of the aforementioned proscriptions in the Gemara qualify as behaviors that impinge on the functionality of neirot Chanukah as a celebratory emblem. And, for example, the Ramban would agree with Rashi that counting money by the light of neirot Chanukah is a sufficiently conspicuous activity that it stifles the heker of neirot Chanukah. But instead, the Ramban expands his interpretation, continuing that there is an additional issur to disgrace the mitzvah of Chanukah (bizui mitzvah) which, accordingly, demands appropriate behavior as though the neirot Chanukah actually are imbued with kedusha. Consequently, any activity that demonstrates disregard for the mitzvah is forbidden – regardless of hampering neirot Chanukah’s purpose as a commemorative symbol.

Now, if the Ramban’s approach consisted of the bizui mitzvah postulate alone, the Ramban would accede to the Me’iri. Furthermore, if the Ramban’s approach comprised only of the heker and bizui mitzvah combination (as the Baal HaMa’or and Mordechai understand), the Ramban would presume that although counting money by the neirot Chanukah’s glow does not constitute an activity sufficiently conspicuous to impinge on their heker element, counting money *is* striking enough to demonstrate disregard for the mitzvah. And consequently, while there would be an additional aspect of issur, thereby restricting more kinds of activities (gavra-related constraints), there would be no inherent issur within neirot Chanukah. Yet the Ramban proceeds even further, contending that this second element of bizui mitzvah engenders a third distinct issur. Once there is a limitation on innocuous activity within the vicinity of neirot Chanukah in light of bizui mitzvah, one subconsciously dismisses the possibility of deriving *anything* from neirot Chanukah, committing them in their entirety for the mitzvah (huktzah l’mitzvah). And due to the neirot’s evolved inherent issur, “using” any component of neirot Chanukah becomes prohibited – for example, counting money by their light or even smelling neirot Chanukah. Thus, although counting money is too unobtrusive to be regarded as bizui mitzvah, the Ramban nevertheless prohibits such an activity due to the huktzah l’mitzvah postulate.

According to the Ramban, then, the issur to make use of neirot Chanukah is a complex proscription encompassing both cheftza and gavra related characteristics. The gavra-related trait embodies two classes of “uses”: more exposed activity that impedes the neirot Chanukah’s symbolic message, and even more discreet activity that displays disregard for the mitzvah. Conversely, the cheftza-related quality taints even the most abstract components of neirot Chanukah with issur.