

# HALOCHOSCOPE



This week's (and next week's) question:

Due to his schedule, someone will not be home to kindle his *Chanukah* lights. He would like to explore the following possibility. In order to facilitate *pas Yisroel*, a Jew can turn on the ovens baking the bread. Some creative supervision agencies have arranged to light the ovens by remote control. They use a code that can be typed in on a cell phone by a *mashgiach*. Without the code, the ovens will not light. Using similar technology, may our questioner try one of the following with his *Chanukah* lights?

1. He could have a family member hold a lighting device, such as a sparking lighter or a glow-bar, to the wicks while he types in the code to kindle the device from wherever he is at the time. Does the age of the person holding it make any difference?
2. He could have the kindling device set up ahead of time to be right next to the wicks, or at least the first wick, so that no human needs to actually kindle the wicks.
3. He could program the kindling ahead of time, with a delay. Why could he not use a timing device at home to do the same thing?
4. May one use an electric glow bar as the *shamash*, to kindle, in the first place?
5. If one is home, but is bedridden and cannot get up and go to where the lights are burning, may he kindle from his bed using a remote device?

Assuming he does one of the above, how would it affect his *brochos*, his fulfillment of the *mitzvah*? Should he recite the *brocha* before typing in the code, after typing the code but before the device kindles it the flame, or should he refrain from reciting a *brocha*? Should the person kindling recite the *brocha*?

Assuming he is able to set it up to kindle without a human, may he recite a *brocha*, and when should he recite it?

Assuming his action does not count, is there an advantage to using *shlichus*, agency, in this creative way, since he is more involved than usual?

If he does use one of these methods, does it affect his status with regard to kindling again if he arrives home later at night?

The issues:

- A) Kindling *Chanukah* lights; presence at the location
- B) The *shamash*; method of kindling
- C) Agency for the *mitzvah*
- D) *Grama*, indirectly causing an action
- E) The *brochos*, especially in this case

## A) Kindling *Chanukah* lights

The main objective of the *Chanukah* lights is *pirsumei nisa*, publicizing the miracle that Hashem performed for us at the time the *Chashmonaim* renewed the menorah service in the *Bais Hamikdash*. To properly accomplish this, one must kindle the lights where they can be seen easily. The Talmud and poskim give specific guidelines as to where this should be. The minimum height is three hand-breadths off the ground. The maximum

height is twenty cubits, which is too high to be seen in the normal range of the normal person. The optimum height is between three and ten hand-breadths from the ground. The ideal spot is debated by the poskim. The Talmud indicates that it should be at the entrance to the home. One view concludes that this is at the front door, while the other view maintains that it is at the entrance to the courtyard. It should be on the opposite side of the *mezuzah*. In times when the pagans would persecute those who kindled lamps for religious reasons, it was ruled that the lights should be kindled indoors on the table. Nowadays, many have the custom to kindle it at the window, thus fulfilling in a small way the original institution. In *Yerushalayim*, the old practice was reintroduced to kindle it outside the door. This 'change' met with resistance, and although it spread to other parts of *Eretz Yisroel*, it was determined that in *Chutz La'aretz* one should not make this change.

There is some question about kindling it in temporary residences. A lodger has questionable residence status, qualitatively and quantitatively. Is his lodger status sufficient to consider him an 'owner' of his lodgings, or a 'guest'? Which part of his lodgings is the best place to kindle his *ner*. Should he do it in his bedroom, which is exclusively his domain, or should he do it in the living-dining area, which is where one should do it indoors? Could he do it at the entranceway, together with the *ner* of the landlord?

Is the location of the *ner* important because of where it stays, or because of where it is kindled? If the kindling is the important factor, is the person kindling part of this? What if one kindles the lights in one location while standing in another location? For example, at times when people kindled at the entrance to their courtyard, could one stand in the neighbor's yard and reach over to kindle the lamp placed in his own yard. Is it critical that the person kindle in the location that the lamps are placed? Or is it sufficient that the lamps are kindled there, regardless of where the person kindling them stands? If so, he could kindle by shooting an arrow, in the extreme example. In our cases, he could use a device from his bed, or from wherever he is on the road, to kindle his lights at home. The poskim do not say where one should stand when kindling, except in *shul* (where it is debated). However, the presumption seems to be that one is in the same domain as the *ner*.

The Talmud discusses the first question, and concludes that the language of the *brocha* reveals the intent of the *mitzvah*. *Lehadlik* means 'to kindle', rather than 'to place'. Thus, one may not kindle the lamp in one location and then move it. In practice, we do not even move it within the same room or on the same table, if this can be avoided. This does not tell us whether the kindler must be in the same location.

A situation that might help us resolve this is the case of a married woman. The *mitzvah* of *ner Chanukah* applies to women as well as men. Married women do not kindle *Chanukah* lights, but rely on the kindling of their husbands. One reason offered is based on modesty. Since the lamps were kindled in public view, it was considered immodest for a woman to go out into the street, where people could come and stare at them. It is surely understandable that women did not make it their practice to kindle from inside with a fuse. This would have been a complicated setup. However, it is easy to reach over from behind a wall. Why could they not kindle from inside the courtyard while staying out of public view? This should have become common practice. The absence of such a practice indicates that one must kindle in the location of the lights.

The other issue that our case raises is whether the lights must be kindled as the result

of an immediate action or a delayed action. Another question could shed light(!) on our case. When kindling on *Erev Shabbos*, the question arises of the order of *Shabbos* lights and *Chanukah* lights. On the one hand, one may not kindle on *Shabbos*. Once he kindles *Shabbos* lights he has accepted *Shabbos*. If he kindles the *Chanukah* lights earlier than the *Shabbos* lights, it is still the day before. A simple solution would seem to be to light the *Chanukah* lights with a fuse. Such ideas were suggested in other situations. It would seem to have no repercussions in regard to *melacha* or even Rabbinical extensions of such. The *Chanukah* lights could come alight after the onset of the day, i.e., after *Shabbos* has already begun. The person kindling will have done no *melacha*. There would be some issues with this method. Firstly, the issue of when the act is done would arise. If the act of lighting the fuse is considered the performance of the *mitzvah*, it is still done too early. If it is considered completed later, when does one recite the *brocha*? Secondly, there is an issue with being present when the lighting takes place. Thirdly, the act is quite indirect. Fourth, is this really a fulfillment of *pirsumei nisa*?

To summarize, we need to determine whether the person kindling need be present at the location of the kindling. We also need to determine whether it is necessary to kindle directly with no delay, after the correct time.

*Ner Chanukah* is to publicize the miracle that took place with the *menorah* in the *Bais Hamikdash*. Many poskim maintain that the way to publicize this miracle is to kindle our lights in the same manner that the *menorah* was kindled. This does not apply to all *halachos* of kindling, nor to the materials that qualify. However, some issues are derived from there. Some maintain that those prohibiting all benefit from the lights, including for *mitzvah* purposes like Torah study, base it on the prohibition to benefit from the sacred *menorah*, known as *me'ilah*. However, they maintain that we do not follow that view. Others maintain that the prohibition is not based on *me'ilah*. Both seem to agree that we do not derive all laws from the *menorah*. Many cite the preference for olive oil as an indication that the *mitzvah* was modeled on the *menorah*. Others consider it an enhanced way to perform the *mitzvah*, but not based on the *menorah* or the miracle. Some base the timing of the kindling on the timing of the kindling of the *menorah*. Others maintain that the *menorah* is not used as a model. Kindling at that time is true of both *mitzvos* for similar reasons. In *shul* the lights are placed on the south, like the *menorah*.

The *menorah* was eighteen hand-breadths high. In Jewish law, a height of ten hand-breadths is often considered a separate domain. [This could be an additional reason that the ideal height of a *menorah* is below ten hand-breadths. The main reason is that this is the ideal height for *pirsumei nisa*.] Yet above this height it is still kosher. This could be based on the *menorah*. In that situation, while it is in a different vertical location, it is in the same domain. The *menorah* was inside the *haichal*, main chamber of the *Bais Hamikdash*. Could it be kindled from outside the *haichal*, from the courtyard, by reaching in with a long taper? Such a suggestion is made in discussing how a ritually unclean person could perform other acts in the courtyard of the *Bais Hamikdash*, by standing outside and reaching in with a long stick. A non-*Kohain* is kosher for kindling the *menorah*, but may not enter the *haichal*. Some poskim say the *menorah* may be moved out into the courtyard for kindling and returned to the *haichal* afterwards. It appears that reaching in with a long stick would be invalid. It also appears that one could not kindle with a long

fuse. However, this ruling is questioned from another perspective. By moving the menorah once it is kindled one has not satisfied the requirement to kindle it on location.

To answer this, let us summarize the Talmudic debate on kindling a *Chanukah* light from another light that is already lit. One way to explain this is that the first light is being disrespected by being used, a *bizuy mitzvah*. The Talmud cites such a permissible practice with the *menorah* in the *Bais Hamikdash*. The Talmud then ponders the question of whether the *mitzvah* of *ner Chanukah* is to kindle or to place the lamps in position. If the kindling is a *mitzvah*, maybe using it for the *mitzvah* of the second light is not considered demeaning. This, in turn, is resolved by citing various rulings. Kindling the lights indoors and then taking them outside does not help fulfill the obligation. The Talmud rejects this proof. By holding it in his hand one gives the appearance that he needs the light, rather than to publicize the miracle. Although the Talmud concludes that the *mitzvah* is indeed to kindle [see above], this reason is also cited by the poskim. Apparently, to fulfill the *mitzvah* to kindle one need not kindle it in the correct location. As long as one does not rely on an existing light, but kindles a fresh light, he fulfills his obligation. Nonetheless, due to the concern about appearances, one may not move the lamp around. In the *Bais Hamikdash* there is no concern. Nobody kindles the *menorah* to use its light.

In summary, some details of the *mitzvah* of *menorah* help resolve issues with the *mitzvah* of *ner Chanukah*. However, we do not know with any certainty that the kindler must be standing by the menorah, nor that it may not be kindled by a delayed action.

Perhaps there is a requirement for the kindler to see the light while he kindles them. Thus, if one is blind, or if one shut his eyes, he might not be fulfilling the *mitzvah*. The poskim maintain that a blind person is obligated, but should try to participate with the *mitzvah* of another person who can see. If none is available, he should kindle them himself. The *mitzvah* is not necessarily to see the lights oneself, but to kindle them for others to see. Nonetheless, some say that he should not recite the *brocha*. The main *pirsumei nisa* is to see the lights. Others say that he should avoid the *brocha* as much as possible, implying that he might be required to recite it. Accordingly, one should not kindle the lights behind a screen where he cannot see them. However, he might still fulfill his obligation this way if there is no other choice. [See Shabbos 22a-23a, Poskim. Tur Sh Ar OC 671:5-8 672 673:2 674 675, commentaries. Minchas Chinuch 95. Mikraei Kodesh, Chanukah 9 etc. Yabia Omer OCIII:35.] *To be continued ...*

**On the parsha ...** *He took his two wives .. and he crossed the crossing of Yabok. He took them and he passed them across the stream. And he passed across all of his belongings. [32:23-24] He made himself like a bridge, taking from this side and placing on the other side. [Rashi] Yaakov crossed by himself, then he passed the others across. [Sifsei Chachamim] If he had already crossed, why does Rashi say that he made himself into a bridge, implying that he placed one foot on each side? Perhaps his reaching across into the other domain, plus his having placed one foot on the other side, is considered as though he had already crossed.*

**Sponsored by Noah Bass in memory of his father, Mordechai ben Noach z"l, whose *yahrzeit***

**was on the 3<sup>rd</sup> of Kislev. ׀**

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Subscriptions and Sponsorships available. (412) 421-0508. [halochoscope@hotmail.com](mailto:halochoscope@hotmail.com)