

HALOCHOSCOPE

These 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, similar to a cell phone schedule reminder. Could he 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:

Last weeks:

- A) Kindling *Chanukah* lights; presence at the location
- B) The *shamash*; method of kindling

This week:

- C) Agency for the *mitzvah*
- D) *Grama*, indirectly causing an action
- E) The *brochos*, especially in this case

C) *Shlichus*, agency for the *mitzvah*

Mitzvos are incumbent on the individual. Many *mitzvos* may be performed through agency of another party. For example, clothing *tzitzis* and *tefilin* cannot be delegated to another. Circumcising a child is an obligation on the father. This may be fulfilled by del-

egating a *mohel*. Generally, *mitzvah bo yosair mibishelucho*, it is better to fulfill the *mitzvah* personally than through a *shliach*, agent.

There are levels of *shlichus*, ranging from having a *shliach* do a part of the *mitzvah*, to the entire *mitzvah*, including or excluding the *brocha*, if applicable. In some cases, the presence of the obligant is a factor. If a *brocha* is recited, there are various levels of fulfilling the obligation through the recital of another person. These include whether the person obligated is present, has in mind to listen and fulfill his duty by hearing, or answers *amein*. Protracted *mitzvos*, such as *bedikas chameitz*, can be broken up. The obligant will do the first part and it will be continued by others, or they can share the performance of the *mitzvah*. Some *mitzvos* incumbent on a large group of people, such as *kid-dush* or *megilah*, are performed by one representative. They are fulfilled through a combination of partnership and *shlichus*. To have standing, a *shliach* must be delegated officially. Often one may self-appoint on behalf of another, known as *zicuy* or *zechia*. Anything advantageous to his fellow has implicit consent. This, can be considered implicit delegation. Thus, one may perform the *mitzvah*, knowing that the obligant would want it. *Araivus*, literally, guarantor-ship, allows any Jew to discharge the obligation of another by uniting them as one body of Jewish people. If one part of the body has not fulfilled his obligation, other parts are also deficient. Any other part may perform it on his behalf.

To qualify as a *shliach*, the agent must be able to be obliged in the performance of this *mitzvah*. Children's obligation to perform *mitzvos* for *chinuch*, training purposes, is not the same as adult's. *Chinuch* is a Rabbinical requirement. Some consider it the parents' obligation, rather than the child's. Assuming the child is obliged, his obligation is not necessarily to fulfill a *mitzvah*, as much as to train for adulthood. Nonetheless, the Talmud debates whether a child could act as a *shliach tzibur* for reading the *megilah*, a Rabbinical obligation. The child's obligation is reduced doubly, being a doubly Rabbinical obligation. A minority follows the lenient view for *megilah* and for *ner Chanukah*. In emergencies, we rely on this view. In some situations, a gentile may be asked to kindle the *nairos*. Some say this only applies if they blew out, even on *Erev Shabbos*.

Ner Chanukah is incumbent on members of a household, and is fulfilled by the head of the household. This has some aspects of *shlichus*. All members may then perform the *mitzvah* themselves as a form of *mehadrin*. A wife does not do this. She may be considered as part of one person or 'body' with her husband. A guest or a lodger may contribute to the oil and fulfill it with the kindling of the host. The host becomes a primary obligant, a partner and *shliach* combined. If the host cannot kindle himself, he should delegate it to his wife, based on the concept of 'his wife is part of his body – and vice-versa'. One unable physically to kindle may stand by the *shliach* delegated to kindle.

In our case, the issue arises whether the concept of *mitzvah bo yosair mibishelucho* applies here. Assuming that one could not be considered truly fulfilling the *mitzvah* from a distance by activating the lighter, is there any advantage to using it anyhow? This way, the person on the scene who holds it to the lights is a *shliach*, but with some active participation of the obligant himself. Generally, if one is present with the *shliach*, he should preferably recite the *brochos* himself. Would activating the remote lighter help with reciting the *brochos*? Many poskim maintain that a *shliach* may only recite the *brochos* if he obligant is present. Does the 'presence' through the remote activator count?

In the case of *ner Chanukah*, *shlichus* becomes upgraded if the obligant is present. This is similar to *shomaia k'oneh*, *mitzvos* requiring an utterance may be fulfilled when the utterance of the one reciting is combined with the listening of the obligant. Here, the *shliach* might be considered an extension of the obligant, and his action is more attributable to the obligant. Thus, the obligant is 'performing himself' and he is also 'reciting the *brocha* himself' through the body of the *shliach*. This is more like an instance of *aravivus*, where the performer and the obligant do it together. There is also the factor that the *mitzvah* is on the homeowner in his home. If he is not present, his connection to the home is reduced. Some say that the *brocha* that cannot be recited is *she'asa nisim*, which is said mainly on seeing the *nairos*. If he is not present, his *shliach* could not 'see' them on his behalf. Based on all these reasons, doing it by remote control would not be as good as being present. [See Shabbos 22b-23a, Poskim. Tur Sh Ar OC 263 673:2 675:3 676:3 677:1-3, commentaries. Igros Moshe OCI:190. Chovas Hador, Ner Chanukah 1:9 2:7 notes etc. Ner Ish Uvaiso 8. Mikraei Kodesh 11 12 14 15 23.]

D) Grama, indirect activity

Grama is best known in association with the laws of *Shabbos* and of damages. It is also applied to causing an erasure of Hahsem's Name. For example, on *Shabbos* the issue arises when indirectly causing a *melacha*, such as placing jars of water near a fire. When they get hot and crack, the water will extinguish the fire. The laws of damages include damage by fire. One kindles the fire in one location, and with the aid of the wind and the natural movement of a fire, it reaches other locations. There is a question about the reason for the liability of one who kindled a fire. Some view it as his property damaging. He is responsible to stop his property from damaging others. Others view it as his arrow, an extension of his personal actions. A person might place a hazard where others could damage themselves, a damaging activity for which he is liable. The hazard might be placed where it could roll or fall to another location, then do the damage. One might throw a rock causing a chain reaction. The rock knocks down something that causes damage, or that knocks something else down. Even murder can be caused by doing one initial action that sets the stage for other actions, often with no input by the murderer. In most cases of damages the perpetrator is held liable. In some cases, the action is deemed too indirect to cause liability in court. The perpetrator is often held liable in heaven for his actions.

In these instances the issue is whether *grama* removes responsibility for the action. In other instances it is invoked to help an action count. The poskim discuss printing a *sefer Torah*. The writing process requires a physical act with intent *lishma*, for the sake of the *mitzvah* and sanctity. The old style presses had to be manually pressed on to the paper, or in this case, the parchment. Newer presses required less manual activity. The levers were operated mechanically by pressing a button. When electricity was used, the human element became more removed. However, the machine always needed someone to start it. The process was basically a mechanized version of the original action.

The consensus is not to use presses for *sifrei Torah*, or in a more common application to have a bill of divorce typewritten. Nonetheless, much of the discussion is invoked where writing is not part of the issue. When the controversy arose about using machines to bake *matzo* or to spin *tzitzis*, this debate was referenced. Many consider the element of *lishma* satisfied by verbalizing one's intent immediately before pushing the start button

on the *matzo* processing machinery.

In our situation, is causing the kindling sufficient? The poskim discuss this with regard to using electric lights. Apart from the absence of oil and wicks, some raise the problem that connecting the switch is an indirect action. Some say that a machine, rather than a human, is igniting. This does not commemorate the miracle that took place with the menorah as a result of human kindling. Others reject this objection, based on the liability for such action on *Shabbos*. The concept of indirect responsibility for damages and for continuous activity is invoked, to attribute the kindling on *Erev Shabbos* to the kindler. Even an activity done by a gentile on the instruction of the Jew may be considered his own activity in some measure, based on the concept of *grama*. The gentile has a mind of his own, which is further removed than a remote trigger of the lighter.

There is a difference between a lighter that ignites the actual wicks, and one held to the wicks by another person after it has been ignited. If it is set up so that the obligant is the only person igniting, he could claim it as his own action. However, in light of the discussion so far, it is better to have a *shliach* participate directly in the kindling. [See refs to earlier sections. Kaf Hachaim 673:19. Tzitz Eliezer I:20:12 Yabia Omer III:OC:35.]

E) The *brochos*

From our discussion, it is clear that the person kindling by remote lighter may not recite the *brochos*. Whether the *shliach* should recite them seems to depend on the various opinions cited in section C. The best option would be to ensure that the person kindling is a member of the household. The kindler should recite the *brochos* himself, for his own obligation. The homeowner should listen to the *brochos* over the phone, and answer *amein*. [See refs to earlier sections.]

In conclusion, there seems to be no advantage to actually kindling the lights by remote device. In fact, it seems that one would not fulfill his obligation this way. He would certainly not fulfill it by setting a timing device. They should rather be kindled by a *shliach*, preferably an adult who is a member of the household. There is a slight advantage to participating with the kindler. However, in order to make sure that the *shliach's* action is truly his own, the obligant should only participate by kindling the lighter spark, while the *shliach* holds it to the wick. The member of the household should recite the *brochos*, and the owner could listen over the phone and answer *amein*. In any event, one should make every effort to kindle personally, albeit late, rather than rely on this clever idea.

On the parsha ... *They did not know Yosef was listening, for the mailitz was between them .. [42:23] There was a translator between Yosef and his brothers, so they thought he did not understand Hebrew .. [See Rashi] Why would this make any difference? Even if Yosef did not understand, the mailitz would translate their words to Yosef. Mailitz comes from the same Hebrew root as laitz, a scoffer. [See R Hirsch] The mailitz will inevitably alter or distort the original words. The brothers were confident that Yosef would not understand the full meaning of their words, with all of the feelings in them – lost in translation! A shliach can effect the action on behalf of the one obliged, but it will not be the same as doing it oneself. Something of the communication between the one fulfilling the mitzvah and Hashem will be 'lost in mediation'.*

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