

HALOCHOSCOPE

This week's question:

A family is moving from the USA to Australia on *Erev Chanukah*. They depart from their USA home in the afternoon. They are at Pittsburgh airport as the evening begins. They spend some hours later that night at LAX airport in the US. They travel for fourteen hours and arrive in Australia in the morning after daylight. They have crossed the date-line, and it is now the second day of *Chanukah*. They will have missed kindling *Chanukah* lights on the first and second nights. What should they do about fulfilling the *mitzvah*?

The issues:

- A) The timing of the kindling, on the first night or any subsequent nights
- B) The dateline in *Halacha*
- C) Kindling outside the home
- D) *Shlichus*, relying on agency to fulfill a *mitzvah*
- A) The timing of kindling *Chanukah* lights

The time given by the Talmud for *ner chanukah* is from sunset to the time when the streets empty of passersby. Some say the only time to kindle is at or right before sunset. Others say they should be kindled after nightfall, at the end of sunset. Some say that the Talmud means to give a range. We satisfy as many opinions as possible, within reason. Nowadays, most agree that the latest time for publicizing the miracle is not based on when people are in the streets. The lights are indoors. As long as members of the household are awake, the miracle is publicized before them. If no-one is awake in the house, questions arise whether it is necessary to awaken someone, or whether a gentile viewer from the street counts. If one arrives home after dawn, but while it is still dark enough for the light to show, he should kindle without the *brochos*. The earliest time in emergency is *plag hamincha*, 1¼ seasonal hours before evening. Even on the first night, when doing this would mean kindling on the twenty-fourth of *Kislev*, one fulfills his obligation. Some point out that according to many, the miracle of the menorah actually took place then.

Were our travelers to leave after *plag*, they could kindle and stay around a little to benefit from the lights. They may not set out after sunset, before kindling. One may not engage in time-consuming activities once the time for the *mitzvah* has arrived. The preoccupation will lead to forgetting the *mitzvah*, or will take so long that it will be too late to perform it. However, they set out before *plag*, which is totally permissible. They cannot kindle before setting out. [See Brochos 2b 4b Shabbos 9b 21b 99b 109a, Poskim. Tur Sh. Ar. O.C. 235:2, etc., 671:5-7 672 677:3 678:3, commentaries. Mitzvas Ner Ish Ubaiso 6:1 8. Igros Moshe O.C. IV:105:7. Terumas Hadeshen 102. Yereim 102. Sheeris Yaakov I, Mikraei Kodesh 2:1, Moadim Uzmanim II:52, etc.]

B) The Dateline

The appearance of the moon at the beginning of the new month determines the date

of *Rosh Chodesh*. At what time of day does it need to appear, and whereabouts does it need to appear at this time of day? Assuming that the location of this sighting is *Yerushalayim*, what if it is sighted in another location, say, further east, at a time that, when projected to *Yerushalayim* will be a different day, *halachically* or date-wise? Is *Yerushalayim* considered in the same dateline as that location for all intents and purposes? This is a simplified version of a Talmudic issue, without getting into astronomical details.

This issue is far too extensive to simplify and summarize here. We will give a very general overview. *Halacha* follows the principle that the sun circles the world. We see the sun overhead during the day. It goes 'under' the world during the night. As it moves from east to west the different locations have different times beginning and ending their day. The [consensus of] Talmud and poskim [even the Scripture] usually define *Yerushalayim* as the center, or 'navel' of the world, and as the highest point. [The spot of the *Bais Hamikdash* is 23 *amos* below the highest point.] The world, that is, the populated continental mass, is viewed as a *kipah*, domed hemisphere. The highest and central point of the dome is *Yerushalayim*. [In actuality, if the main continental lands at creation were connected and consisted of the Eurasian-African landmass with the Americas and Australia connected to it, the central point would indeed be *Yerushalayim*.] Under the *kipah* is water, the sea. [In actuality, when removing the 'islands' of America and Australia, the rest is indeed sea.] The center of this water mass is the 'navel' of the sea, diametrically opposite *Yerushalayim* somewhere in the ocean.

The sun was created, in part, for human use as a day clock. When Hashem placed the sun in place on the fourth day, where did it begin in relation to the landmass? Did it begin in the navel of the sea, or where the navel of the land would see it as dawn? Does day follow night on this day as well? Did it begin at the Westernmost point on the landmass, just after 'sunset'? Secondly, does the same 'dateline' applies to *halacha*?

This issue is debated by early poskim, and interpreted by contemporary poskim as crossing the dateline becomes more relevant to Jews. A number of issues seem to dominate the discussion. If the dateline is fixed at a longitude and crosses actual land, two Jews side by side could be counting the same 'day' as different *halachic* days. For one it would be *Shabbos* and for the other Sunday. Another issue is how to apply the concept of *Yerushalayim* being at the center of the populated landmass of the world.

One could assume that at sunrise in *Yerushalayim* it is still just about day, sunset, where the sun began this cycle, 180° to its east. It will still be just about day in *Yerushalayim* when the sun rises at the point furthest west. This view considers the beginning of the Jewish date sunset at the navel of the ocean. Another way would be to assume that *Yerushalayim* is at the center point between the point at which it is sunset at one end and sunrise at the other end of the day. This would place *Yerushalayim* 90° between the two extremes of the daylight hours. According to this view, the Jewish date would begin at sunset on the East coast of China. The day would continue for eighteen hours after sunset in *Yerushalayim*. Some of this longitudinal line crosses the land. Some maintain that Hashem never intended to make the cutoff on dry land, but between dry land and the sea. Thus the continental East coast could be the line, but islands within the 90° are included inside the line. There are variations on these two views.

Using standard numbers, *Yerushalayim* is about 35° East. Following the first view

the line would be 145° W. According to the latter view, it would be 125° E. This passes close by Shanghai, but cuts through Western Australia. According to two out of the three views, Eastern Australia is at the beginning of the dateline, rather than at the end.

Our travelers cross the dateline either in the middle of the night or when they arrive in Australia. One could debate whether the airspace over Eastern Australia is considered part of the mainland or the ocean. If they follow the former view they probably cross into the second night of *Chanukah* while it is still night. Following the latter view, they will miss the night-time of the second night totally. [See Rosh Hashana 20b, [Maor, (appendix II, Artscroll. Merchavei Rakia 39 etc.)] Poskim. e.g. Chazon Ish OC 64.]

C) Kindling outside the home

The poskim debate whether the reference to one's home in connection with this *mitzvah* means that one must have a home to perform it. The *mitzvah* could be viewed as totally dependent on the home. Or it could be partly personal to offer thanksgiving. When one is not home, he might still have the second obligation. There are four basic views. One must have a proper fixed home; one may have lodging even overnight (including a train or boat with sleeping arrangements); the temporary home must have a roof; one may kindle in a field, provided he is lodging there. There is even a view that one may kindle anywhere he finds himself, even if he is not staying very long.

If one lodges in another's home, he has two options. If he has a wife at home, she may kindle for him. If he contributes to the host's oil, he may rely on this. If he is also being provided his food by the host, he might be considered family. If he has separate quarters he should try to kindle for himself in his own quarters. [See Shabbos 21b-23a, Sukah 46a, commentaries, Poskim. Tur Sh. Ar. 676:1 3, 677:3, commentaries. Mikraei Kodesh 18. Igros Moshe YD III:14:5 OC V:43. Tzitz Eliezer XV:29.]

D) Shlichus

Many *mitzvos* may be performed through a *shliach*, agency of another party. The act is attributed to the one who appointed the agent. For *ner chanukah* the ideal agent is a member of the household, especially a wife. It is basically a *mitzvah* on the 'house'. However, anyone may be appointed, provided he or she kindles it at the house of the appointer. Ideally, one should be present when they are kindled even if he is not doing the act. If he is not present, there is some question whether the *shliach* should recite the *brochos*.

Shlichus usually works by the *shliach* acting in place of the appointer. He may only effect something that his appointer could effect himself. If *ner chanukah* is viewed as a house *mitzvah*, a wife does it for the house, regardless of where the householder is. If it is personal, the householder must kindle in his own location, or at least fulfill the thanksgiving part by reciting a *brocha* on sighting *chanukah* lights.

According to the first view on the dateline, the travelers will probably cross it by night, skipping an entire day. It will then be night-time of a date in which they could light. If they know when this is, they could fulfill the *mitzvah* then. If they do it through a *shliach*, presumably, he should be in a location that it is the second night, i.e., Australia, unless the Rabbinical institution was intended to disregard this. Furthermore, the *shliach* would need to wait until this time to do it. He would need to know when this happens. When it is still dark where they cross, it could be getting light in Australia. Kindling by day does not work is because the light does not publicize the miracle if it does not attract

attention. Perhaps one situated in a location where it is day, could have a *shliach* kindle where it is night. He fulfills *pirsumei nisa* through his *shliach*.

According to the third view, they will be 'in' a different night of *Chanukah* at the time that anyone could light for them, the second night in Australia. By morning they cannot kindle. The question is then whether they could have a *shliach* do something for them that they themselves can not do. Could he kindle when it is night-time for him, though it is daytime for them? [See Shabbos 21b 23a, Poskim. Tur Sh. Ar. O.C. 671:1-2 675:1-3, commentaries. Ner Ish Uva'iso 4:1-3, notes. Igros Moshe I:190. Mikraei Kodesh 13-14, notes, 23. Tzitz Eliezer XII:50. Minchas Yitzchok VII:46.]

In summary, our travelers give up possession of their American home at midnight on the first night. There is no family member left behind to kindle for them there on the first night. They will not be arriving in a new home until the second morning. In transit, they will have no lodgings, unless the plane seat counts. Kindling on the plane is problematic. The act of kindling is the *mitzvah*. One cannot fulfill it by placing an already kindled light. Accordingly, it must be placed on a secure, stationary place where it will not fall down or need to be moved for the duration of the kindling time. While a plane is considered stationary for the traveler, it is not secure. Even if a smoking section exists, they could not fulfill the *mitzvah* by holding a light in their hands. This gives the appearance of a personal lamp, and does not satisfy *pirsumei nisa*. [Electric lights would not count. The miracle took place with oil. Some maintain that solid fuel such as wood may not be used for the *mitzvah*. It is a wick without oil, as is the filament. Some consider the filament an *avukah*, torch, (rather than a single flame), which is invalid. Some maintain that the current can not be considered the requisite amount of oil. See *HalochoScope* II:43.]

They could do the following: They should give some money to a resident in Pittsburgh as nominal rent. They have no other home where they eat or sleep that would disqualify this home. They should add some money for a share in his oil. He should kindle with them in mind on both the first and second nights. Hopefully, when the 'host' kindles on the second night, the travelers will still be 'in' the second day. They should have in mind that in the event that they are unable to fulfill the *mitzvah* any other way, if this counts, let this work. Otherwise, let it not work. They should also arrange to participate in the lighting of their hosts in their destination, with the same stipulation. They should also try to kindle at an airport on the first night. If they follow the view that one may kindle in a temporary location with a *brocha*, they may rely on this for the first night.

On the Parsha ... The one opened his sack to give fodder to his donkey in the 'malon' and saw his money ... [42:27] Malon, the place they lodged overnight. [Rashi] Why is it important to tell us where this took place? Why did the others not open their own sacks when the one found his money? Why were they all afraid? They did not find their money until they arrived home! They all suspected what had happened. [Their fear was confirmed when they got back.] On the road, even after stopping for lodging, one is not settled. He does not open his bags unless absolutely necessary. The Torah teaches us the difference between travelers' lodgings and a home.

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