

HALOCHOSCOPE

This week's question:

A physician will be returning from the hospital after *Shabbos Chanukah* has begun. His family will be spending *Shabbos* in another town. How should he go about fulfilling the *mitzvah* of *ner chanukah*?

Someone usually arrives home later than the time for kindling. His wife could kindle for the family. When he returns home, may he kindle again, with the *brochos*?

The issues:

A) *Ner ish uva'iso*, basic *mitzvah* of kindling; *mehadrin*, enhanced performance

B) *Ner chanukah* on *Erev Shabbos*

C) *Shlichus*, appointing an agent to perform a *mitzvah* on one's behalf

A) *Ner Ish Uva'iso*; *Mehadrin*

The Talmud suggests three ways to fulfill the *mitzvah* of kindling the *chanukah* lights. The basic *mitzvah* is *ner ish uva'iso*, the head of the household kindles one light each night. The second way is for the *mehadrin*, those scrupulous in their *mitzvah* observance, or those who wish to enhance the performance of the *mitzvah*. One light should be kindled for each member of the household. Some say this means that the head of the household should add a light for each member, similar to the way many women kindle *Shabbos* lights. Others say this means that each member of the household kindles a light of their own. The third method is for the *mehadrin min hamehadrin*, those who are exceptionally *mehadrin*. An additional light is kindled for each night, so that one can tell which night it is by looking at the row of lights. Some say this means that the head of the household is the only one who kindles, increasing his lights each night. Others say that each member kindles his or her own set of lights.

This last method is the customary way Ashkenazim perform it. While any of the three methods is acceptable, the *Shulchan Aruch* only mentions the third. This is taken to mean that this is the ideal method. Some explain these methods as a form of *hidur mitzvah*, enhancing the performance of the *mitzvah*. Generally, *hidur* applies in relative terms, such as using better oil and wicks. In this case, specific *hidurim* were instituted. The other explanation is that these methods are recommended for the more scrupulous. The reason offered for why specific levels are instituted for *ner chanukah* is to better publicize the miracle. In many ways, the entire purpose of this *mitzvah* is this publicizing.

Usually, women are not obliged to perform time-bound *mitzvos*. However, they are obliged to perform *ner chanukah*, because they were involved in the miracles commemorated. Thus, *mehadrin min hamehadrin* should include the women. However, generally, a married woman does not kindle, even as a *hidur*. This is due to the husband-wife bond. The husband kindles, and his wife is considered united with him as one. It also seems to

be common for single women not to practice *mehadrin min hamehadrin*. The poskim reconcile the practice of those who refrain. However, there is some indication in earlier sources that even a married women may kindle her own, and possibly should do so.

If the head of the household will not be home at the optimum time for kindling, there are a few options. He could kindle at his current location, provided that it fulfills the requirements. These include lodging or similar measure of permanence. In our cases, neither of these is applicable. In the first case, the doctor will definitely not kindle in the hospital, and will anyhow not be spending the night there. A married man can have his wife kindle at home, with him in mind. [Even if he is away and kindles in his lodgings, he must arrange kindling for his household.] In addition, her kindling can count for the entire household. However, if he returns home later, he will not be able to kindle again with a *brocha*. He will have already performed the *mitzvah* through his 'other half'. May he claim to be *mehadrin min hamehadrin* and kindle his own lights later? Or do we say that his wife's kindling is really his own actual *mitzvah*? Would it make a difference if the other members of the household kindle their own lights?

From at least one source, it appears that both husband and wife could kindle *mehadrin*. While *ishto kegufo*, his wife is like part of him, this does not mean that they may not kindle separately if they wish. It would not count as a *brocha levatalah*, in vain. This posek discusses where the husband is away. The Talmud recommends relying on the wife's kindling. Nonetheless, as *mehadrin*, they may both kindle in their respective locations. In our case, too, the husband could have in mind to fulfill his own *mitzvah mehadrin*, and kindle later with a *brocha*. Ideally, other members of the household should follow the *mehadrin* (or *mehadrin min hamehadrin*) themselves. This way, it will be clear that each is doing his own *mitzvah*. However, if the wife kindles for the household, the husband can still kindle *mehadrin*. When he is in a different location, the reason the wife must kindle is for the house. Yet, even in that case, the basis permitting the husband to kindle his own is *mehadrin*. Thus, the husband's obligation can be viewed as double-edged. He has the basic obligation, in which he also discharges that of the household. He also has a *mehadrin mitzvah*. His first obligation can be discharged by his wife, but he may still fulfill the second. In our second case, too, the husband may follow this method. He should state that he does not wish to be discharged by his wife's earlier kindling.

In our first case, the husband will not be able to kindle when he gets home. It will already be *Shabbos*. The wife will not be home anyhow. She will herself be a guest in another home, in another town. If she were to kindle there, would it work for her husband who will not be a guest in that home at that time? It would appear that her kindling as a guest would be considered more than *mehadrin*. As a guest, one really needs to assure that there is someone at home kindling for him. Otherwise, one should participate in the kindling of the host by contributing toward the cost, or kindle himself. Since no-one is home, there seems to be no obligation on the home. Therefore, in our case, the wife's kindling could not discharge the husband's home obligation.

Since no-one will be home to kindle for him, is it better for him to arrange to be a guest for *Shabbos* at another home? Then, he could participate in the kindling of his host by paying towards it. Or do we say that it is better for him to arrange a *shliach*, agent, to kindle in his home? Since no-one else is home, does he need to assure that someone will

be able to see the lights after dark? Should he put in enough oil to burn until the latest time he expects to get home? The poskim debate whether a *shliach* works perfectly in this case, or whether it is second best. They also debate whether a guest has the same level of *mitzvah* as a homeowner. [See *Shabbos* 21b-23a, Poskim. Tur sh Ar OC 671:1-2 677:1-3, commentaries. Terumas Hadeshen 101. Mikraei Kodesh (Chanukah) 14. Chovas Hadar Chanukah 1:1 n6. 2:5 6.]

B) Erev Shabbos Chanukah

The Talmud gives the time for kindling as 'from sunset until the people are no longer out in the street'. This means that the earliest time is sunset, and the latest time is when the lights will no longer be seen. Also, there should be enough oil to last a while. The reason is that the purpose of the kindling is that the lights are seen. Thus, the miracle is publicized. By day, lamp-light cannot be seen.

On *Erev Shabbos*, one can not kindle after sunset. Therefore, one kindles before kindling the *Shabbos* lights, thus avoiding accepting *Shabbos* before kindling his *Chanukah* lights. How does one fulfill his *mitzvah*, if it is really before that night of *Chanukah*? First, one kindles after *plag hamincha*. This is the time that is actually closest to when the menorah in the *Bais Hamikdash* was kindled, according to many. It is also considered a part of day that can be appended to the coming night, for various *halachic* applications. The poskim add, one fulfills his *mitzvah* in this case, by setting it up and preparing it. The poskim further debate whether one has fulfilled his obligation this way, if the lights blow out before nightfall. There are various explanations for this. No matter what the explanation is, one fulfills his obligation by kindling early if the lights remain alight after dark. [See *Shabbos* 21b, poskim. Tur Sh Ar OC 672 679, commentaries.]

C) 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.

Our physician will not be able to kindle at the ideal time, neither at home nor in his location. Normally, he could wait until later to kindle. We have mentioned that the purpose is that the lights are seen, for *pirsumai nisa*, publicizing of the miracle. After people are no longer in the street, one should no longer be able to fulfill the *mitzvah*. However, in most of our communities, the lights are not kindled outdoors. The main publicizing of the miracle takes place in the home. As long as people are awake in the home, one can kindle. Even if everyone is asleep, some say that one should kindle anyhow. Some maintain that one should awaken a member of the house. If one lives alone, he may still kindle in his home. Ideally, he should place the lights where others outside can see them when

they look inside, such as near a window. Therefore, in our case, even if the homeowner comes home late, he should be able to kindle his lights near a window, even if no-one else is home. At the very least, he sees the lights himself.

However, on *Erev Shabbos*, he will not be able to kindle later. He could appoint a *shliach* to kindle. The *shliach* will not be staying in the house until nightfall. The homeowner might return too late to see the lights. There seems to be no-one to see the lights, and this part of the *mitzvah* will go unfulfilled. Therefore, enough oil must be placed in the lamps to be alight when he returns home. Then, he may recite the thanksgiving *brocha*. He has fulfilled the *mitzvah* through agency. Note: Some say that if the homeowner is not present when the *shliach* kindles, the *shliach* may not recite the second *brocha* anyhow. This would help in our case. The homeowner would certainly be obliged in the second *brocha* when he arrives home and sees the lights.

In a sense, it is easier to explain how the *mitzvah* is fulfilled in this case than in other cases. Assuming the usual *mitzvah* is to kindle the lights, one should really do it himself, after dark. He should certainly be present at the kindling. However, in this situation, everyone's fulfillment is really having the lights glowing later. Though we mentioned that some maintain that one need not arrange to have them rekindled if they went out, all agree that in this case, the *mitzvah* is to arrange for them to glow after dark. The act performed is simply the preparation for this. Therefore, having another do this for him is only removing himself an additional step. The result will be the same as the way all others perform it. [See *Shabbos* 21b 23a, *Poskim*. *Tur Sh. Ar. O.C.* 671:1-2 675:1-3, commentaries. *Ner Ish Uvaisho* 4:1-3, notes. *Igros Moshe* 1:190. *Mikraei Kodesh* 13-14, notes, 23. *Tzitz Eliezer* XII:50. *Minchas Yitzchok* VII:46. *Moadim Uzmanim* 152 153.]

In conclusion, on our first question, the ideal is to kindle through a *shliach*. Most consider this a good way to fulfill one's obligation. Participating as a guest might be considered a lower level of obligation.

On the second question, the husband should stipulate that he wishes to fulfill *mehadrin* personally. His wife may kindle for the home. He may then kindle later with a *brocha*.

On the Parsha ... *This is how you will be tested .. Send one of you as a shliach to get your brother. The rest of you allow yourselves to be imprisoned, and your words will be tested for their truth .. This is what you should do, and you will live! .. One of you will be imprisoned .. and bring your small brother with you, and your words will be believable .. [42:15-16]* Why would bringing their young brother prove that they were not spies? Why send one as a *shliach*? Why did he then change the deal? Why did he change from the term 'test' to 'make them believable'? Perhaps, if the brothers would send one of them as a *shliach* to do the job, it would show that they all relied on him to act in their behalf. Spies might not trust one of them alone. If they would appoint a *shliach*, he would not imprison them by force, but let them turn themselves in voluntarily. They would be treated better. However, if they were unwilling to do this, it would show that they were working as a group, more like spies. Then, only when the younger brother would actually arrive back could he believe their words. This would not be a test, but a way he could reduce their sentence of death.



In honor and in memory of my mother, Yitele bas R. Shimon a"t, Henriette Silver. ♦

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