

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. In our case, the travelers have no option of reciting their own *brochos*. If a member of the household is home, he could act as a *shliach*. However, he does not have the same status as a wife does. She is technically considered part of the same body as her husband in regard to certain *halachic* applications. [See Tur Sh Ar OC 675:3 677:1, commentaries. Ner ish Ubaiso 8:1 6-15, notes. Igros Moshe OC:I:190. Mikra'ei Kodesh Chanukah 23.]

#### D) Electric lights

The light of an electric bulb is considered light with regard to certain *halachos*. This is the case with regard to a filament, which is considered *gacheless shel matechess*, a metal coal. Modern day non-filament type bulbs are more complex, since there is no visible 'wick'. *Ner Chanukah* is considered unique by many poskim, for a few reasons: The object of *Shabbos* lights is to give light and the object of a *havdalah* light is to produce fire. The object of *ner Chanukah* is also to commemorate the miracle that took place with oil. Some poskim point out that wood or other solid fuel is invalid for *Chanukah*. It is like a wick without oil. This is also the case with a filament in a bulb. Others maintain that this does not count as an integral part of the *mitzvah*, but that there is another issue with a light bulb. *Ner chanukah* must be a single flame (or multiple single flames) as opposed to an *avukah*, a torch, which is a combination of flames. Light-bulbs do not qualify. Furthermore, a certain amount of oil must be present in the lamp. Some poskim do not consider the electricity circulating in the wires to be fuel present in the lamp. Thus, for various reasons, electric bulbs may not be used for *ner Chanukah*. [See Shabbos 21b. Tzitz Eliezer I:20:12. Ner Ish Ubaiso 7:12. etc.]

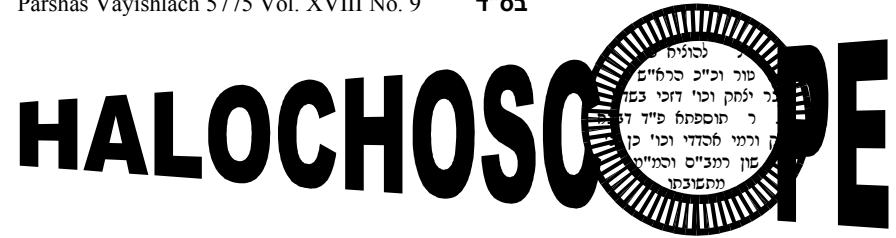
In conclusion, if no-one is home, there is really no *mitzvah*. However, if the adult family member moves in, especially if he moves back before the rest of the family leaves, his kindling there could be counted partly for the travelers as well.

**On the parsha ...** This is a gift being sent ... [32:19] .. please .. take my gift from my hand .. [33:10] If Yaakov had sent it already through his *shliach*, why did he now say "take it from my hand!" Originally, he wanted to impress Eisav with a succession of gifts. This would be better through his *shliach*. Now, that Eisav had rejected it, Yaakov tried again. This time, he gave it in person, which would be appreciated more. *Mitzvah bo yosair mibisheluch!*

Sponsored in honor of Sholom Fox's 30<sup>th</sup> birthday on the 4<sup>th</sup> of Kislev and Chanan Sachs' 30<sup>th</sup> birthday on the 5<sup>th</sup> of Kislev, by family and friends. 🕯

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#### This week's question:

A family will be traveling during *Chanukah*. On one night they will be boarding before the earliest time for kindling, and will only arrive at their destination the next morning. They will not be departing from their own home, nor will they be arriving in their own home. Back in their home community, an adult single member of the family lives elsewhere in the community. Can they kindle on the train, perhaps with electric lights? If not, should they have someone kindle on their behalf? If so, should this be at the place they spend the day before they travel, the place of their arrival, or should their family member kindle in their home, or in his own home on their behalf? Would it help if the adult family member 'moves in' for the night that he or she kindles in this home?

#### The issues:

- A) The timing of the *mitzvah* of *ner Chanukah*
- B) Kindling *ner Chanukah* somewhere other than one's home
- C) *Shlichus*, agency for performance of this *mitzvah*
- D) Electric *ner Chanukah*

#### 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. 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

1, Mikraei Kodesh 2:1, Moadim Uzmanim II:52, etc.]

### **B) Kindling outside the home**

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. For *mehadrin*, 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, the way many women kindle *Shabbos* lights. Others say this means that each member of the household kindles a light of their own. 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.

The term *ner ish uva'iso* can be translated as 'one light per each man and his household' or as one light per man in his house'. Both imply a connection to 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: (i) one must have a proper fixed home; (ii) one may have lodging even overnight (including a train or boat with sleeping arrangements); (iii) the temporary home must have a roof; (iv) one may kindle in a field, provided he is lodging there. There is a view that one may kindle anywhere he finds himself, even if he is not staying very long. One who lodges in another's home has two options. If he has a wife at home, she may kindle for him. Or he can contribute to the host's oil. If he is also provided 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.

In our case, the travelers will be on a train meant to transport people overnight. Some such trains provide a private sleeping compartment. This could count as a 'home', since the travelers lodge there overnight. If they simply sit in a comfortable reclining seat together with other travelers, this is not a 'home'. It is certainly not their own home as opposed to a public place shared by many. Although there might be those who support kindling with both *brochos* in this situation, the majority would not consider it.

Part of the question involved asking a member of the extended family who lives elsewhere to kindle for them in their home. Assuming that he can be considered a member of the family and the home, he should be a valid agent [see below]. However, he does not really live there. Thus, he is similar to any outsider coming in to kindle, which shall be discussed. If he moves in for the night, this could change. Personally, this is his home for this night of *Chanukah*. If the homeowner would be home, the guest could fulfill his obligation with the homeowner. He could also act on behalf of the rest of the household. However, there is a slight problem with this. The guest only moves in when the rest of the household is away. In this case, he appears to be a stranger, who moves in when the true occupants move out. He would be considered independent of them.

Nonetheless, this particular case has a redeeming feature. The guest happens to be a

member of the family. He actually lived in this home before he moved out and became independent. In a sense, he is moving 'back' home. Firstly, an adult member of the family is a the subject of debate. *Ashkenazi* communities follow the view that even if they have their own quarters, they kindle together with the family in the main living space, rather than in their own rooms. Accordingly, if he lived with this family, he would be a regular member of the household and could kindle with them, or even for them.

Secondly, the poskim discuss married children moving back home for *Chanukah*. The question is whether they should participate in the kindling of the homeowner, in the main living space, or whether they should rather kindle in space provided specifically for them, such as their own sleeping quarters. On the one hand, they are guests. On the other hand, they are members of the household. Part of the debate centers on whether the adult children move in with their spouses, or visit without their spouses, or visit with their spouses but go back to their independent homes to sleep. In our case, the adult is single. The absence of an accompanying spouse on a visit usually indicates that the person intends to go home. In our case, it does not affect his status. Furthermore, he will be staying overnight. The question is whether this could be considered as though a member of the family remains home to kindle for the household.

If the family was home, this guest would kindle as part of the family, rather than in his separate quarters, based on the aforementioned considerations. Either he would fulfill it as a listener, through the father, or he could do it for the family as a *shliach*. Since the rest of the family is away, he could do it for them. As we mention later, a traveler should also try to kindle for himself, wherever he is. In that case, the guest will still do it, but will consider it his own *mitzvah*. In either event, in our case, the guest may recite the *brochos*, since he is either doing it as his own *mitzvah*, or as a true member of the household for the night. However, a few issues remain. Since no-one else will be available to see the lights, they should be kindled in a place where they can be seen from outside. Or the adult family member may bring friends with him. Finally, it is not so clear that a family member whose primary residence is elsewhere, but visits for a night, can claim to be a member of the household. Even if he could, our case has the added issue of the absence of any of the usual members of the household. In fact, they will even be gone the day before the guest moves in. [They will be able to kindle themselves where they will be staying.] Therefore, if it is possible, the adult family member should move in for a night while the homeowner is home.

If no-one will be home at all, and the family is in transit for the entire duration of the kindling time, as in our case, there is neither a *mitzvah* on the home, nor on the family members. There is no point in having someone kindle at home if no-one is there to see it. Some suggest that this only applies if they will be absent for a full twenty-four hour period. [See Shabbos 21b-23a, Sukah 46a, commentaries, Poskim. Tur Sh. Ar. 676:1 3, 677:1 3, commentaries. Mikraei Kodesh 18 22 (note 3). Ner Ish Uva'iso 8:6. Igros Moshe YD III:14:5 OC V:43. Tzitz Eliezer XV:29.]

### **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