



Laws for Chanukah and 10th of Tevet (תשע"ט-5779)

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Laws for Chanukah

Who is Obligated to Light Chanukah Candles?

1. In the Gemarrah (Shabbat 21b) mention is made of three levels of the mitzvah of lighting chanukah candles:
 - a. The basic mitzvah – "נר איש וביתו" : one candle for each household each night.
 - b. Mehadrin – "נר לכל אחד ואחד" one candle to be lit by each member of the household each night
 - c. Mehadrin min Ha'mehadrin:
 - according to Beit Shammai – one lights eight candles the first night, and each night one less candle is lit down to one candle on the eighth night.
 - according to Beit Hillel – one candle is lit the first night adding on until eight candles are lit on the eighth night. The halacha is according to Beit Hillel.

The *rishonim* were divided as to what constitutes 'Mehadrin min Hamehadrin'. R"Y, citing the Tosfot, stated that the glorification of the mitzvah (הידור) is related to the basic requirement of one candle per household - i.e. one *chanukiya* per household. According to the Rambam the glorification relates to one candle per member of the household, meaning one *chanukiya* for each person in the household. The Rambam continues "it is the custom in all our cities in Spain for all members of the household to light one candle on the first night and add an additional candle each night, whether there be many people in the household or just a single person."

This division carries on to the Shulchan Aruch, who rules that one should light one *chanukiya* per household, while the Ramah says each person should light his own *chanukiya*. Sephardim follow the ruling of Maran, and Ashkenazim follow the Ramah.

2. The difference between these two rulings become apparent in the following cases:
 - (a) a son living in his parents home: Sephardim have the father light on behalf of all his family, Ashkenazim have each child light for himself.
 - (b) a married son living in his parent's home (according to Sepharadi custom), according to Rav Mordechai Eliyahu he fulfills his obligation when his father lights, however some opinions state that he should light without a *bracha* in his room.
 - (c) a son who is away from home (dormitory, army, tiyul etc.): According to Ashkenazi custom, he lights his own candles with a *bracha*. According to Sepharadi custom he need not light his own candles, but may do so without a *bracha*.
 - (d) if the father is away (army, work, etc.): according to Sepharadi custom – he does not light his own candles, but fulfills his obligation when his family lights at home. According to Ashkenazi custom – he must light his own candles and his family members will light their own at home.
3. Although lighting Chanukah candles is a positive time-related mitzvah (מצוות עשה שהזמן גרמא) women are obligated, because of the ruling that they too were beneficiaries of this miracle. For this

reason, a woman can perform the mitzvah for her entire family. A woman who lives alone is required to light her own Chanukah candles, according to all opinions.

4. There are three customs regarding married women and daughters living at home:
 - (a) women do not light at all
 - (b) daughters light, but married women (the mother) do not
 - (c) everyone lights, including women and girls
5. It is customary to light candles in shul between *mincha* (before **עלינו לשבח**) and *arvit*, with a *bracha*, but the one who lights them does not fulfill his obligation and must still light at home. When he lights at home he should say the *bracha* **שהחיינו** only if he is lighting on behalf of others. If however, each person is lighting for themselves, he should only repeat the first two *brachot* (**שעשה ניסים**, **להדליק נר**). It is also customary to light candles in the morning in shul without a *bracha*.
6. At parties or other public events: most halachic authorities say that the appropriate *bracha* should be said only if *mincha* and *arvit* (or at least *arvit*) will be recited there.

The Proper Time for Lighting Candles

1. There is a difference of opinion with regard to the time for lighting candles. In the Gemarrah it says “the mitzvah is when the sun sets”. According to the Tur (and also in the Shulchan Aruch) this means the end of the setting of the sun, when the stars appear (**צאת הכוכבים**), however some of the *rishonim* and **הגר"א** believe it means the beginning of the sunset. Those who follow the custom of the **גר"א** pray the *mincha* service and then light the candles. Those who follow the second opinion pray the *arvit* service and then immediately light the candles. In order not to delay the lighting of the candles, it is advisable to prepare them earlier in the day. Those who will be praying *arvit* at a later time, should light candles at the time that the stars appear.
2. Someone who will be unavailable at this time may light earlier, at **פלב מנחה** but must ensure that the candles remain lit for at least one half-hour after nightfall.
3. In case of necessity, it is permitted to light candles later, so long as there are still people in the streets. This time was once considered to be one half hour after the stars appear, however in modern times this has been updated until 9:00 pm (some say 10:00 pm) as at these hours people are still in the streets.
4. The law mentioned above relates to one who lights candles outside. But for those who light indoors because of the danger of lighting outdoors, they may light candles all night as long as there are people awake in the house. The Shulchan Aruch did not mention this condition, but it is mentioned by the Mishna Brura. In Sha'ar Ha'tzion there is an opinion brought from Chemed Moshe that in order to light at this late hour it is necessary to wake two or three other members of the household, however, even if he could not wake them he should still light and say the *brachot*. The Sha'ar Ha'tzion states that when it is unclear whether a *bracha* should be said, one should err on the side of caution, therefore in this case the candles should be lit without a *bracha*. In any case, if a person wishes to conduct himself in keeping with the opinion of the Chemed Moshe, he may do so, as found in Yalkut Yoseph.
5. What should be done if not all family members are home at the time for candle lighting? It is better to light at the correct time, even if the father has not yet returned home, however if those not present usually insist that the others wait for them, it is permitted to do so. It is my opinion that in families who follow the Ashkenazi custom, whereby each family member lights his own

chanukiya, it is better that those present light on time, and the others will light their own candles when they arrive.

6. **Candle lighting time on Friday night:** In the Shulchan Aruch it states that Chanukah candles must be lit before Shabbat candles. The Mishna Brura added that if one lit Shabbat candles but his intention was not to begin Shabbat yet, then he may still light the Chanukah candles. This all refers to a man. With regard to a woman it is different because when she lights Shabbat candles she in essence begins Shabbat and therefore it is best if someone else actually lights the Chanukah candles for her and says the *bracha* of להדליק נר, but she may say the other *brachot* herself. Since women are obligated to light Chanukah candles it is best that they be lit first, avoiding this problem.
7. According to Reb Moshe Feinstein, we light Shabbat candles at the regular time on Shabbat-Chanukah and there is no need to do so later than usual. In Jerusalem, where Shabbat candles are usually lit 40 minutes before sunset, it is better to light them 20 minutes later than usual. Everyone agrees that Chanukah candles must not be lit before the time known as פלג מנחה, and in any case the candles must remain lit for at least one half-hour after nightfall. Therefore, those who normally light the simple, colored Chanukah candles should not use them on Friday night, but must use larger candles which will burn for the required time.
8. Is it necessary to daven *mincha* early on Erev Shabbat before lighting Chanukah candles? The Mishna Brura wrote that it is proper that one davens *mincha* and then lights the candles. The Sha'ar Hatzion added: as long as this is possible. Rav Ovadia Yosef wrote that one should only daven *mincha* early if he is davening with a *minyan* and not alone, but Rav Mordechai Eliyahu explains that it is better to daven *mincha* before candle lighting even if it means davening alone. In some shuls there is an early *mincha* service on Erev Shabbat Chanukah.
9. The *poskim* are divided in their opinions when it comes to candle lighting on Motza'ei Shabbat. Does one make *havdalah* first and then light Chanukah candles or the opposite? The Mishna Brura states that in shul one should first light candles and then make *havdalah*, but at home there is no definite decision and one should follow his own custom. Shephardim make *havdalah* first and then light candles.

The proper place to light candles

1. In the Gemarrah it says: it is a *mitzva* to place the *chanukiya* in the entranceway to one's house, on the outside. Rashi disagreed with Tosfot on this matter. Rashi says that one should light in the entrance to his house even if he has a yard and Tosfot says to light at the entrance to your yard. The Shulchan Aruch agrees with Tosfot, and therefore it is preferable to light in a glass box on the right side of the entrance to one's garden or yard. If the entrance to one's home is more visible to the street and more people will see it there, than there is no problem in lighting the candles there.
2. One lights the *chanukiya* to the left of the entranceway, thus surrounding it with *mitzvot* – the *mezuzah* on the right and the Chanukah candles on the left.
3. Where should candles be lit, if they are to be lit indoors? According to the Ramah, they should be placed by the entrance to the house, and this is also the opinion of Rav Mordechai Eliyahu. However the Mishna Brura wrote that it is better to put them in a window facing the public domain, and most *achronim* agree with this.

4. What about people who live in an apartment building? There is a difference of opinion among the *achronim* on this subject. According to the Rav of Brisk – the stairway in the building has the same halacha as a yard, according to the Chazon Ish it is considered a passageway. In the first instance, one should light candles in the stairway, but according to the second opinion it is better to light inside the house.
5. Do people who live on a high floor (which is more than twenty *amah* from the street) still need to light the candles by a window that is visible from the street? According to most halachic authorities they do not need to light in a window, since the people passing in the street below will not notice the candles there. However there are some opinions that the candles should still be lit in the window, as they are visible to the residents of the upper stories in adjacent buildings.
6. If one is in a dormitory or hotel, according to Rav Shapiro ז"ל, candles should be lit in the hallway by the entrance to the room. There are other opinions that they should be lit in the window. (Of course, in keeping with all security considerations).
7. Many people have the custom to visit friends or family for candle lighting, and return home afterwards to sleep. In this case, one must light candles in his own home either before leaving (if this is after *מנחה*) or upon returning home. At the friend's home, one can be a passive participant, light without a *bracha*, or choose to light with a *bracha* and remain overnight at the host's home. However, there are some opinions that allow guests to light candles with a *bracha* at the host's home, especially if it is a great distance away, even if they will return home late that night.
8. The correct placement of the *chanukiya* is 24-80 cm from the floor. If necessary, one may place it higher, as long as it does not pass 20 *amot*.

Brachot for Candle Lighting

1. On the first night we say three *brachot*: "להדליק נר", "שעשה ניסים", ו"שהחיינו"
On the other nights only the first two aforementioned *brachot* are said. (unless one omitted the *שהחיינו* on the first night).
2. If one is not able to light candles he should make the *brachot* of "שעשה ניסים" and "שהחיינו" upon seeing candles lit by another. There is a difference of opinion on this matter regarding one whose wife is lighting candles at home on his behalf while he is elsewhere. The Mishna Brura rules that in this case a *bracha* is not said on seeing another's candles.

Order of Candle Lighting

1. There are several approaches to this matter:
 - * Shulchan Aruch – on the first night one begins lighting from the right side and every night thereafter adds an additional candle to the left of the one before and begins lighting from the newest candle, that is from left to right.
 - * The Mishna Brura, in the name of the גר"א, states that we always begin lighting from the candle closest to the *mezuzah*. This is true for the first night and for every other night, regardless of whether the candles will be lit from left to right or right to left.
 - * In Biur Hahalacha, the opinions of the Taz and the Levush are that on the first night one lights the candle closest to the entrance, but on every other night one begins lighting from the candle added that night, whether from left to right or right to left.
2. The halacha states that it is the lighting of the candles which is the mitzvah, and not the placing of the candles. The implications of this ruling are:

(a) if one lights the candles while holding the *chanukiya* in his hand, he has not fulfilled his obligation.

(b) if the candle has been burning all day, it must be extinguished and relit to fulfill the *mitzvah*.

(c) if a candle was lit under suitable conditions and then went out, one must not light it again. The Ramah adds that if one wants to relight the candle he may do so without a *bracha*.

3. It is forbidden to make use of the light of the Chanukah candles, even from a distance. Maran in the Shulchan Aruch states that it may be permitted to use their light for holy purposes, but most *poskim* are stricter and forbid any use.

In the Shulchan Aruch a difference of opinion is brought up between the author and the Ramah with regard to lighting one candle from another. Maran permits this and the Ramah forbids it (since the first candle is that designated for the *mitzvah* and the others are adornment of the *mitzvah*). The Ramah explains that it is forbidden to light any other candles from the first candle, but allows lighting from the other candles. Rav Ovadia Yosef permits lighting one candle from another, however in Kaf Hachayim he writes that the custom is to be stricter, and Rav Mordechai Eliyahu concurs.

4. After the allotted time that the candles must burn has elapsed, they are considered regular candles and can be used for any purpose or extinguished. The Mishna Brura writes that as long as the candles are still burning one must not use their light or extinguish them because of *מראית עין*. In addition, it is preferable to have the intention to extinguish them before lighting, because otherwise it is assumed that all of the oil has been set aside for this *mitzvah*.

5. It is forbidden to use a candle that went out before it had burned for half an hour since it was already set aside for the purpose of this *mitzvah*. If this oil gets accidentally mixed with enough other oil to be nullified (*בטל בשישים*) it may be used, but it is forbidden to intentionally mix it with other oil. Maran holds this to be true for oil that is left after the eighth day of Chanukah. But the Mishna Brura holds that this is the halacha for oil left on any of the days of Chanukah, except that oil left on one day may be used for another day (on the eighth day this obviously cannot be done).

6. Although one can fulfill the commandment of candle lighting on Chanuka with any type of candle or oil, it is preferable to use olive oil, whole the splendor of the *mitzvah* is dependant upon the splendor of the light from the candles. One may not use candles for part of the lights and oil for the others.

Special prayers and meals

1. In the *amidah* and *birkat hamazon* we add *על הניסים*. If one forgets he does not go back and repeat his prayer.
2. The entire *hallel* is read on all eight days of Chanukah. With regard to women: the Rambam states that women are exempt (even though they are required to light candles since they were included in the miracle). Based on this, Rav Ovadia Yosef holds that Sephardic women are not obligated to say *hallel* but are permitted to say it without a *bracha*. Ashkenazic women are permitted to say *hallel* with a *bracha*, as they do with all other time-based mitzvot they perform.
3. On the weekdays of Chanuka, during the morning service, three men are called to the Torah, and the portion read is that of the appropriate days' sacrifices of the Chiefs of each tribe during the consecration of the tabernacle. The Cohen and Levi divide amongst them this portion, and then it is repeated for the aliya of the Israelite. The Ramah, in his addendums to the Shulchan Aruch writes that "There are those who require the reading of the next days' sacrifice for the aliya of the Israelite" however this is not the custom in Israel.

4. The first day of Rosh Hodesh Tevet falls this year on Shabbat so three Sifrei Torah are taken out of the Aron Kodesh. From the first Sefer Torah we read six aliyot from Miketz. For the seventh aliya we read the reading for Shabbat and Rosh Chodesh ("ביום השבת... ובראשי חדשים") from the second Sefer Torah and for Maftir we read the reading for the sixth day of Chanuka from the third Sefer Torah. Haftarah is "רני ושמחי" (Zecharia Perek Bet).
5. There are different customs regarding the saying of the half kadish on Shabbat. The Ashkenazim say the half kadish after reading from the second Sefer Torah. The Sfarim say the half kadish twice after the first Sefer Torah and again after the second Sefer Torah and if more than seven people receive aliyot from the first Sefer Torah kaddish is also said after the seventh aliya (half kadish is recited a total of three times).
6. Second day Rosh Hodesh Tevet is on Sunday (7th day of Hanuka). We take out two Sifrei Torah. From the first Sefer Torah there are three aliyot for Rosh Chodesh, and the fourth aliya is from the second Sefer Torah where we read the Chanuka reading for the seventh day. Half Kaddish is said after the fourth aliya.
7. On the last day of Chanuka (Zot Chanuka) we read all of the "Nesi'im" that remain.
8. According to the Shulcan Aruch there is no mitzvah of a *seudah* on Chanukah, however the Ramah adds that there are those who feel it is a slight mitzvah to have special meals accompanied by songs of praise, elevating them to the status of *seudat mitzvah*. In the Biur Hahalacha it states that the happiness of Chanukah should be combined with rejoicing with the Torah. On Shabbat and Rosh Chodesh it is recommended to have an even more special meal than that of a usual Shabbat.

Time table for the Candle lighting, Chanuka, 5775

(according to Rabbi Tukochinsky, Jerusalem horizen)

"Plag Hamincha" – earliest time for candle lighting:

Ashkenazy Minhag: **15:34**

Sefarady Minhag: **15:48**

Sunset – this is the time in accordance with the Gra **16:39**

"Tzeit Hacocharim" – (the time when the first stars appear – this is the appropriate time in accordance with many rabbinical sources) **16:57**

Friday, Erev Shabat

Plag Hamincha: Ashkenaz: **15:34** Sefarad: **15:49**

Candle lighting: **16:19**

Sunset: **16:39**

Laws Pertaining to The Tenth of Tevet Fast Day

1. The fast day of the tenth of Tevet (asarah b'tevet) is one of the four fast days commemorating the destruction of the Temple. On this day the siege of Jerusalem by Nebuchadnezzar began.
2. In discussing these fast days (with the exception of Tisha B'Av, which is more severe) the Gemarrah (Rosh Hashanah 18b) states: "when there is peace – they will be as festivals, when there are evil decrees – they will be fast days, when there is neither peace nor evil decrees – it can be a fast day or not". Our present situation falls into this third category, however, the Mishna Brura (תקנ, סק"א) states: since these

fast days have been accepted throughout history, they have the status of an accepted custom, which we cannot break. When this custom was accepted, it was not accepted with as much stringency as the fast of Tisha B'av.

3. One of the differences is the duration of the fast. On the ninth of Av, the fast is from nightfall to nightfall, while on the Tenth of Tevet, the fast begins at daybreak(5:00). One is permitted to eat and drink prior to daybreak, only if he has made such a condition on the night before the fast. According to the Ramah (Rabbi Moshe Isserles), this is permissible as well, without such a condition.

Fast ends at nightfall (17 minutes after sunset), at **16:59**. Those who recite *Ma'ariv* early should repeat *Kriyat Shema* after nightfall.

4. Another difference is in the prohibitions on the fast day. On Tisha B'Av there are five prohibitions: eating and drinking, wearing leather shoes, anointing, washing, intimate relations. On the minor fast days the only prohibition is eating and drinking. The Mishna Brura states that a sensitive person will also abstain from the other prohibitions. Some *poskim* do not allow washing with hot water

5. Regarding brushing teeth and rinsing out the mouth, the Shulchan Aruch states that one should not rinse his mouth on a fast day. However, the Aruch Ha'shulchan adds: this seems to apply to gargling the water in the throat, but rinsing just the front part of the mouth and teeth, which can be done without fear of swallowing the water, is allowed (except for Tisha B'av and Yom Kippur). The Mishna Brura determines that if it causes him distress not to rinse his mouth, he may do so, without using toothpaste, and being very careful not to swallow the water.

6. Another difference between this fast and Tisha B'Av and Yom Kippur, relates to those who do not need to fast. A person with a non-life threatening illness, or a pregnant or nursing woman need not fast. Regarding these classes of women, there is a difference in custom between Sephardim and Ashkenazim. Sephardi women need not fast when pregnant or nursing, in any case. Ashkenazi women may refrain from fasting when pregnant or nursing if it is difficult for them.

7. Asarah B'Tevet was chosen by the Chief Rabbinate as the "Yom HaKaddish Haklalli" the day for saying *kaddish* for the martyrs of the holocaust whose day of death is unknown.