

O.C. *siman* 672 : The Lighting Time for the Chanukah Candles

Note that the order of the se'ifim is reversed.

The development of: *Se'if* 2

The Shulchan Aruch's ruling for se'if 2 (with the Rema) follows the development of four subjects:

THE END OF THE LIGHTING TIME (ACCORDING TO THE GEMARA)

The Gemara (*Shabbos* 21b¹):

[The Gemara is discussing the position that if a Chanukah "candle" goes out, it does not have to be re-lit (as explained more fully below 673:2).]

A Baraisa is brought [to contradict the above idea]: The Mitzvah [of the Chanukah "candle"¹] is from sundown until "no foot remains" in the marketplace [i.e. even the "feet" of the Tarmodeans (Gemara soon afterwards) - and they take until about a half hour after sundown until they reach their homes (Rif)].

So that should prove the point [that the above idea is wrong]: Isn't the significance of this "range of time" that if the "candle" went out within this time - [then] he lights it again?

Answer: No, [there are two other explanations to give:] (1) That [only within this time limit] if he didn't light it yet - so **then** he still lights it... [The other explanation is the third subject of this se'if.]

Now, the Halacha is that we indeed accept the idea that if the candles go out, they don't need to be re-lit. So we certainly need the Gemara's answer. The conclusion seems clear: A person has to light *before* "no foot remains", and after that - if he didn't light then it's too late.

Actually, there are two reasons this might not be true.

The first is that the Gemara's *second* alternate explanation is totally different, so if we would choose to accept *that* explanation, then there would no longer be a source for a "latest lighting time". And in fact, Tosafos (in the name of "the *Ri Poras*") and the Rosh^o both say they're in doubt about this, and they therefore rule: Even though "one should be careful to light as soon as it's night - to make sure not to be too late; but still, if someone missed the time - he should light out of doubt"².

The second reason there may be no "latest lighting time" is the position of the Rashba^o (ibid.):

*The Gemara does **not** mean that if one does not light within this limit - [then] he does not light [any more]. After all, we learned in a Mishnah³ (Megillah 20a): "Any Mitzvah that is to be done by night can*

¹ The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

² Tosafos's wording. The Rosh's is: "Even though there's another answer - it's proper to be stringent and light the Chanukah 'candle' at the beginning of the night." This is the same position as Tosafos (*Beis Yosef*).

³ This Mishnah is mainly dealt with in the Halachos of Purim (687:1), where the details regarding the Megillah reading are discussed.

be done throughout the night"! Rather, the Gemara here merely means that [if he misses the limit] he did not do the Mitzvah properly.

The Tur^o writes that even if someone missed the "time", he still lights. That sounds clearly like he holds that one would then be lighting out of certainty [i.e. with the *bracha*⁴]. This matches the Rashba's position⁵.

However, the Rambam (4:5) accepts the above explanation #1 of the Gemara, simply and clearly:

If someone did not light as the sun comes down (by mistake or on purpose)⁶, he continues to have the Mitzvah to light until "no foot remains" in the marketplace. And how long is this time [period]? About a half hour or [a little] more⁷. If this time passed [and someone still didn't light yet], he does not have the Mitzvah to light [any more].

To summarize: (1) The Rambam holds that the Baraisa's "latest lighting time" is *definitely* the *absolute* latest, (2) Tosafos and the Rosh hold that it's *possibly* the absolute latest, and (3) the Rashba and the Tur hold that it's only the latest time to do it *properly*.

As for the *Shulchan Aruch*, he rules that one "continues to have the Mitzvah to light throughout the night" [as quoted soon]. The *Be'er HaGolah*^o and the *Gra* explain that this is like Tosafos and the Rosh; according to that, the meaning of the ruling is that one lights without a *bracha*. However, the *Magen Avraham*^o says that the simple language implies that one *would* say the *bracha*. [It sounds like the *Magen Avraham* means that the *Shulchan Aruch* rules like the Rashba (which would fit nicely with his using the wording "throughout the night", just like the Rashba's source from *Megillah*⁸). However, another understanding could be that the *Shulchan Aruch* only ruled this way for "nowadays" - based on the approach that *we* always have all night (as discussed in the next subject).]

The *Mishnah Berurah* explains that "throughout the night" means until "the first ray of dawn" [*"amud hashachar"*].

We can ask: What if someone didn't manage to light until twenty minutes before then? Should we say that he cannot light any more, since the candles won't be able to burn "at night" for a half hour [see "the amount of oil" below]?

THE END OF THE LIGHTING TIME "NOWADAYS" (when "we light indoors"⁹)

The Tosafos (*Shabbos* 21b) writes: "The 'Ri' holds that *now* one should not be concerned [about] when he should light, because by us there's nothing recognizable except for the members of the household; for after all - we light indoors."

⁴ As opposed to if he were in doubt, since then "doubts about *brachos* call for being lenient" and not saying the *bracha* [see "Principles"].

⁵ The *Beis Yosef* (who doesn't mention the Rashba at all) is surprised at the Tur's position. It is in fact rare that the Tur does not side with the Rosh.

⁶ The Rambam holds that "initially" one should light at the *beginning* of the time period, as we learn in *se'if* 1.

⁷ The Tur & *Shulchan Aruch* omit the phrase "or more", and instead explain what this time limit refers to (as quoted soon). [As for our insertion "a little", see the discussion of R. Moshe Shternbuch^o (after the next subject), where he proposes a different approach to the Rambam's "or more".]

⁸ Parenthetically, this phrase also seems to contradict the Maharshal^o, who says that one can only light until midnight. The *Magen Avraham* as well explicitly rules against the Maharshal, and the *Mishnah Berurah* does not even mention such a position.

⁹ This is discussed above (671:5).

The Tur^o says in the name of the Smag^o that nevertheless, it's proper to light while the members of the household are still awake [i.e. the rest of the household, and not just the lighter himself].

The *Darkei Moshe* says that the *minhag* is in fact like Tosafos. But in the *Rema*, he just refers to Tosafos as "some hold", and then he proceeds to say that "nevertheless it's better to be careful nowadays as well." We need to understand his source for that statement. There seem to be two possibilities, and both have problems:

(1) The *Darkei Moshe* ends his discussion (of the Halachos of when to light) by bringing from *the Maharil*^o that one should light "immediately after sundown". **However**, it's hard to say this was the *Rema*'s source, because the *Rema* doesn't say to light "immediately", just "to be careful" not to wait until after "no foot remains".

(2) **The Tur** ends his discussion by saying that even "nowadays" one has to "be particular", because "we light by the doorway to the house, and it's open, so it's recognizable to those who pass to and fro." **Still**, how could the *Rema* follow this, after he declared above [at the end of the previous *siman*] that "in *our* days" (when the candles are *totally* indoors) that doesn't apply?

It seems that we are forced to say that the statement is based on the *Maharil*, and the *Rema* holds that anyone who says there's no "latest time" nowadays *automatically* will say there's no need to light "immediately" either [even merely "initially"], and vice versa as well, so that the two points are interdependent. However, the *Bi'ur Halacha* explains the *Rema* as being based on the Tur. [So all of this needs further examination.]

The *Rema* does not mention the Smag's point about household members being awake. But the *Mishnah Berurah* does, and he even writes: (1) They should be gathered at the lighting; (2) If they're all asleep, one does not say the *bracha* (however, in the *Sha'ar HaTziyun*, he writes that if someone *does* say the *bracha* with no other Jew watching, then one does not oppose that¹⁰); and therefore: (3) If one comes home to find everyone asleep, then the proper thing is to wake them up¹¹.

Rav Moshe Shternbuch^o (*Mo'adim U'Zmanim* 2:141) on applying this in our own "nowadays":

Nowadays, streets (and interiors) are electrically lit, and people's schedules are not subject to sundown in the way they used to be. As a result, it's crucial to clarify how flexible the specification "until no foot remains" is, and in what way. (This can affect the end of the lighting time [as has been discussed here], the amount of oil to use [discussed in the next subject], and the candles' being *assur* to use or to put out [which is dealt with below 673:1].¹²

The Rambam [quoted above] says this specification refers to about a half hour "or more". So maybe he means that the half hour specification [which we get from the Rif, as above] is basically a *minimum*; whereas in a case where it takes longer than that until "no foot remains" - then the specification "extends" until then.

Now, the Gemara said that the language "no foot remains in the marketplace" includes even the "feet" of the Tarmodeans. Rashi explains that these were non-Jews who sold wood. But we can't say that the goal was to

¹⁰ I.e. this is in the category of "When there's someone to fall back on" [see "Principles"].

¹¹ It would seem that this only means as far as the Halachos of Chanukah are concerned. Of course, there could easily be reasons *outside* of the Halachos of Chanukah that one should not wake those people up; that would have to be examined separately.

¹² In addition, we will learn below (in 675:1, under the subject of "lighting inside and bringing it outside") that one should not move the candles until "a half hour", and we learned above (670:1) about "a *minhag* not to do *melacha*"^{*} while the candles burn (and there, too, "a half hour" is mentioned). These points could also be affected by "until no foot remains" being "flexible".

publicize the miracle even to those non-Jews themselves [because that "doesn't count"¹³]; rather, the rest of that Rashi, where he discusses the timing of their *customers*, must be the main point. And the *Shiltei HaGiborim*^o says that the reference to these merchants illustrates that it's the "feet" of the *public* that counts, not that of individuals. (Similarly, the Midrash [*Pesikta Rabasi* 2] describes the end of the lighting time with the language "until *most* feet disappear from the marketplace.")

Based on all this, we can propose that the lighting time actually ends when the last "wave" of large groups of people come home from their business day. (We will have to explain that the Sages "ignored" people going out later on, because once everyone has already seen candles [at home, or on their way home], there's no more "publicizing" to do.) If so, then nowadays as well, we could estimate when most daytime stores and businesses close, add to that how much time it takes for people to go home, and that would be the end of the lighting time for nowadays. (Of course, all this is only relevant to whatever degree the candles need to be visible from the street. [See above 671:5 for the practical details.]

However, this whole approach is problematic. For when it comes to the candle-lighting of Friday afternoon, and also the one after the departure of Shabbos, we don't find anywhere that a distinction is made concerning the end of the time, even though on those nights there are *no* Jewish feet "remaining" [i.e. at business day's end] in the marketplace! That should prove that "until no foot remains" is not flexible at all; rather, it's a specification which was established to be used indiscriminately (just that it was *based* on the usual situation [of those times]). This also explains why the authorities do *not* use the wording of the Rambam "a half hour *or more*".

Still, our approach is sufficient reason to say that it's an "enhancement" to put in enough oil to last until the "end of the time" as calculated above. In addition, it's a defense for those who, because of the difficulty of getting home any earlier, light after the standard "half hour" has passed.

THE AMOUNT OF OIL TO USE

The Gemara [from the above first subject of this *se'if*] concludes with a second alternative explanation:

...(2) [*The Baraisa's "range of time" is meant*] as a "specification".

The Rif^o gives two approaches¹⁴ to what that explanation means:

[a] *The Baraisa means to say that one must put enough oil "in it" [i.e. in the container to be used] SO that it will continue burning until that time comes*¹⁵;

[b] *If it was [already] "burning away" until that time [already came], and one wanted to put it out or to make use of its light, [so then] he has permission.*

Even though the Rambam rules like the Gemara's explanation #1 [as above], he still rules like this explanation as well, and he accepts *both* approaches of the Rif. [Parenthetically, see below (at the end of the "first half" of 673:1 - from the Rashba) that this "specification" is estimated, not measured exactly.]

¹³ For more about "publicizing" just to non-Jews, see below (at the end of 677:3).

¹⁴ There is some question as to the correct text of this Rif. The authorities apparently follow the version in which the Rif himself uses both approaches, as two separate meanings. The *Maggid Mishneh*^o, in particular, says this explicitly.

¹⁵ source's wording: "until that [time] specification". [And likewise in the second approach.]

On the other hand, the *Darkei Moshe* brings one position that "nowadays" this amount of oil is no longer needed [presumably based on reasoning similar to that of the previous subject] (and another authority who basically agrees but seems to require "at least *some* minimum amount").

However, the *Darkei Moshe* also brings "R' Shimshon", who says that even nowadays one has to use "long wicks". [Apparently this refers to some way of preparing candles that will burn for a significant amount of time.] And the *Darkei Moshe* explains that this can't be meant as an *enhancement* of the Mitzvah, because we know that once the *required* amount of time is over - then one can already even *put out* the candles (so we see that the Mitzvah is over then), and "the enhancing of a Mitzvah is only possible during the time [period] of the Mitzvah [itself]"! So rather, he concludes that R' Shimshon's point is that even "nowadays" one needs the Baraisa's amount of oil.

Accordingly, in the *Rema* there is no mention of a difference "nowadays" in this regard [as quoted below], and the *Mishnah Berurah* explicitly rules that there's no difference (except for one point: Whereas if the candles would be recognizable to people "outside", then the relevant "amount of oil" would be defined as enough to last from whenever each person lights until "no foot remains"; conversely, "nowadays that nothing is recognizable to anyone but the household", the relevant amount is *always*¹⁶ that of the Baraisa).

(Concerning the *Darkei Moshe's* point that there's no Mitzvah in the "extra" long, the *Mishnah Berurah* brings that this is true about having "extra" *oil*; but if someone is using *wax* candles, then it is in fact an enhancement that they be long, just not *too* long¹⁷.)

As for the Rif's "permission" to put out the candles afterwards [i.e. and then use the left-over oil], that is seriously problematic. The *Darkei Moshe* brings the *Mordechai*^o, who points out that this contradicts the Halacha [mainly discussed in 677:4 below] that all left-over Chanukah oil is *assur* to use [i.e. even *after* the candles go out]. They then quote: "The Maharam answered, that over there it's referring to [when a person] only put in the [exact] required amount." The *Mishnah Berurah* [here] explains that a person only has in mind to "dedicate to the Mitzvah" just the *required* amount of oil; so over here - since the Rif's Halacha is talking about when *that* oil already burned out - consequently the rest is *muttar*. The *Darkei Moshe* adds that the *Hagahos Maimonios*^o also answers this way, and the *Beis Yosef* himself brings this below in *siman* 677, where he includes this distinction explicitly in his ruling in the *Shulchan Aruch* [below there we will quote the Ramban, who mentions this reasoning as well]. However, the *Beis Yosef* below also brings R. Yitzchak Abouhav^o, who answers the contradiction with a *different* distinction - that the Rif is only referring to someone who originally *had in mind* that he only intended to dedicate to the Mitzvah the *required* amount of oil (but anyone who didn't have any specific intention about this beforehand is assumed to be dedicating *all* the oil). The *Mishnah Berurah* here brings the consensus of a number of later authorities that "initially" it's better to have in mind beforehand¹⁸ to dedicate only what's required, because of this position.

¹⁶ To be more precise: The *Mishnah Berurah* brings from the *Pri Chadash*^o that the amount is always "the known amount", and from the *Pri Megadim*^o that one needs "this amount" even if one is lighting after "no foot remains".

¹⁷ I don't know what this means. [Perhaps that they shouldn't continue burning into the daytime.]

¹⁸ R. Yitzchak Abouhav himself says that the time for this intention is when "putting in the oil". The *Mishnah Berurah* quotes this below in *siman* 677, and it's also apparent that way from the *Bi'ur Halacha* there. However, in *siman* 673, the *Mishnah Berurah* [n21] says that nothing becomes *assur* until the *act of lighting*. Still, it could be that he only meant to say this by *solid* candles (which is the subject in the part of *siman* 673).

And as for the Rif's other "permission" - to use the candles' *light* after the time passes, the *Mishnah Berurah* brings a separate reason to be stringent: People who see him doing this may not be aware that it's *muttar* because of it being past the time; accordingly, one should *not* use the light¹⁹ [even if he *did* have in mind beforehand to dedicate only what's required (*Sha'ar HaTziyun*)]. In the *Sha'ar HaTziyun*, he adds that one shouldn't *move* the candles either, since people will assume he intends to use their light [but concerning this point, see below 675:1, under the subject of "lighting inside and then taking it outside"].

Below (675:2), we will learn that the required amount of oil is crucial to the Mitzvah²⁰; and the *Bi'ur Halacha* here indeed says that if someone simply doesn't have enough - then in fact he should not say the *bracha* when he lights. (And see above [from R. Moshe Shternbuch] that if "until no foot remains" is later nowadays - then the candles have to burn for longer.) [The *Darkei Moshe* here discusses the candles going out early on Friday, or while trying to fix them; these are treated as separate subjects below (673:2). Finally, the *Bi'ur Halacha* here mentions wax from idolatry; we will bring that below (in 673:1, under the subject of "which oils to use on a weeknight").]

AFTER THE ENTIRE NIGHT HAS PASSED

The Tur says that one certainly cannot light in the daytime, because that's just "a candle at noon"²¹.

At this point, the *Beis Yosef* brings a surprising statement of the *Mordechai*^o and the *Orchos Chayim*^o (each in the name of earlier authorities): **"If one didn't light the candles on one of the nights - then he can't light them any more, because the Mitzvah is ruined"**. What exactly does that mean?

So the *Beis Yosef* brings the analysis of the Mahari^l²², which he agrees with [and brings additional sources to support]:

It doesn't make sense to explain [this Halacha] by saying that the lightings of Chanukah are like the days of the omer (whose countings have to be "temimos" ["complete"] or not done at all)²³, because here each night is certainly a separate Mitzvah - since there was a miracle on all of them²⁴. Rather, all it

¹⁹ The *Bi'ur Halacha* below [by "which uses are included as being *assur*" in 673:1] discusses being lenient on this point for a *Mitzvah* use, but ends by saying that even then, the best thing would be to put out the candle and then to re-light it.

²⁰ This seems difficult: The *Mishnah Berurah* wrote [as mentioned] that for someone lighting a bit late - the relevant "amount of oil" is defined as "enough for until no foot remains". So if it's not crucial for the candles to *burn* for the entire period, then why is the full amount of oil so "crucial" for someone who *does* light on time?

²¹ The Gemara in *Chulin* (60b) has a saying: "A candle at noon - what does it help?", and the Tur is applying it to Chanukah candles in the daytime (as do Tosafos in *Menachos* {20b}, and the *Bi'ur Halacha* to *se'if* 1). However, this is surprising, because Chanukah candles are *never* lit to *use* their light; in fact, it would have seemed that the daytime should be even better, to *show* this! Perhaps the idea of the Tur and the *Bi'ur Halacha* is that the Mitzvah requires that the candles "look like" beneficial candles (and the saying is only "borrowed"). Alternatively, there's an implication in "*Tractate Sofrim*" [see 676:4] (20:4) [quoted by the *Magen Avraham*^o here] that one *does* derive pleasure from them [i.e. from the light *itself*].

²² The Mahari^l's words are translated here very loosely.

²³ Concerning "Counting the *omer*" (and the need for the counting to be "complete"), see "Principles".

²⁴ This is a statement of the Gemara (*Shabbos* 23a), said while discussing the *brachos* [and brought below (676:1)].

means is that there's no way to **make up** the lighting of the **missed night**²⁵ (as opposed to the *Shemoneh Esray*, which sometimes **can** be made up²⁶).

The *Darkei Moshe* says that "R' Menachem Mirzburg" holds that on the next night, when he does light, he only lights the number of candles he was supposed to have lit on the previous night which he missed. For example, if he missed the third night, then on the fourth night he would light three, since for him it's the third night. But the *Darkei Moshe* says that he himself sides with the Maharil and others, who hold that one always lights whatever everyone else is lighting that night.

So the complete ruling of the *Shulchan Aruch* (with the *Rema*) for *se'if 2* is: **[If someone did not light as the sun comes down (by mistake or on purpose) - he continues [to have the Mitzvah] to light until "no foot remains" in the marketplace, which is about a half hour - for then the multitude is [still] passing to and fro and there is a publicizing of the miracle; As a result, one must put [an amount of] oil in it [which is enough] for that measure [of time]; and if he put more [oil] in it [than that] - [then] he can put it out after this time [period] has passed; and similarly, one can make use of its light after this time.** Here the *Rema* inserts: **Some hold that nowadays, when we light indoors, it is not necessary to be careful to light before "no foot remains" in the marketplace; and nevertheless it's better to be careful nowadays as well.** Here the *Shulchan Aruch* picks up: **However, this is [only required] "initially", but if this time [period] passed and someone [still] did not light [yet] - he continues to [have the Mitzvah to] light throughout the night; and if the entire night passed and he did not light - there is no [way of] compensation for this.** Here the *Rema* concludes: **And on the other nights, he will light like [any] other people, even though he didn't light beforehand.**

DOING "THINGS THAT COULD DRAG OUT" BEFORE LIGHTING

The *Darkei Moshe* brings that "it's best" to light before eating. But the ruling in the *Mishnah Berurah* is much more stringent:

- (1) It's *assur* to eat first (as well as [getting involved in] "other things" [that could drag out {explained soon}]),
- (2) Furthermore, the above is *assur* even *the half hour before* the "time for lighting" begins²⁷ (*Sha'ar HaTziyun*),
- (3) In addition, it's even *assur* to study Torah once the "time for lighting" begins²⁸,
- (4) Finally, even if one already started these things - he has to stop them²⁹.

²⁵ The *Gra* says that this Halacha can be derived by comparison to the Mishnah in *Sukkah* (27a): "R' Eliezer said that if someone did not eat on the first night of Sukkos - [then] he should make it up on the last night of Sukkos, but the [other] Sages said that this matter cannot be made up." [The comparison seems very unclear.]

²⁶ This is discussed in the Halachos of the *Shemoneh Esray* (O.C. 108). The Maharil also mentions "making up" the *Sh'ma*, which is discussed elsewhere (O.C. 58:7).

²⁷ The *Sha'ar HaTziyun* points out that this is irrelevant for someone whose *minhag* is to light after the stars comes out, since for him, the half hour before the lighting time is also the half hour before the time for the *Sh'ma*, when all these things are *assur* anyway.

²⁸ However, in the half hour beforehand, one should not be stringent with this (*Sha'ar HaTziyun*).

When the *Mishnah Berurah* mentions "other things" (that could drag out), he seems to be referring to the concerns listed above by the Halachos of *Mincha* (O.C. 232:2 [based on *Shabbos* 9b-10a]). The *Mishnah Berurah* there (n9) says that the rule is as follows: Any activity (even of calculation) which could take longer than expected or cause [significant] distraction is *assur* to begin in the half hour before the Mitzvah's time begins [although there's room to be lenient in difficult circumstances if it's an activity that people commonly "stop in the middle of and then get back to" (*Bi'ur Halacha* there)]. He concludes there (in the name of the *Chayei Adam*) that this includes engaging in business dealings. (R. Moshe Feinstein° [*Igros Moshe* O.C. 4:105] even proposes that the reason the Sages instituted that the candle-lighting be done relatively early is *because* this way "everyone will abandon his work and go home to fulfill the Mitzvah".) And as for eating, in O.C. *siman* 232 we learn that this is only referring to more than an egg-volume of bread-like foods (or alcoholic drinks), at least when it comes to the "half hour beforehand".³⁰

In addition, *we can ask*: (1) The *Mishnah Berurah* by the Halachos of *Ma'ariv* (235 n17) brings that sleep is also *assur*, although this is not mentioned by *Mincha*. Should that apply here? (2) What if someone is not planning to do the actual lighting anyway (i.e. someone else in the household will)? Should it then be *muttar* for him to do all these things? (And conversely, what if someone already lit for himself, but is planning to be the one to light on someone else's behalf later on?)

The development of: **Se'if 1**

THE "BEGINNING OF THE TIME OF THE MITZVAH" IS SUNDOWN

The Rashba° discusses what our Baraisa [see above at the beginning of the *siman*] means by that language:

*It makes sense to say: That this "beginning time" is not crucial; i.e., one could also light just before sundown if he wanted to. After all, that still publicizes the miracle.*³¹

We find similarly (below 23b): [The Gemara brings the statement that] "the pillar of fire overlapped [in time] with the pillar of cloud"³², and the Gemara used this to illustrate that by the Shabbos "candle"³³ as well, when one lights just before sundown - it's recognizable that he's lighting it for the sake of Shabbos. Here, too, the same is true [i.e. that "just before sundown" is also appropriate].

So the Baraisa here merely means: That the "main Mitzvah" which obligates him to light is only from sundown.

²⁹ Since according to alternate explanation #1 there's only a half hour to light; and the rule is that by a Mitzvah that has very limited available time, one has to stop in the middle of these concerns, even if the Mitzvah is merely Rabbinical. [The *Mishnah Berurah* deals with the rules of this Halacha mainly above (by O.C. 70:5). **A difficulty:** In *siman* 235, he says that the above rule only applies by a Mitzvah whose time is almost over, but a Mitzvah which *inherently* has very limited time is different, because people are *less* likely to be negligent about that.]

³⁰ Regarding *after* the "time itself" begins, the *Mishnah Berurah* by the Halachos of Pesach (431 n6) writes that even non-bread foods should be avoided.

³¹ source's wording: "there [still] is a publicizing of the miracle [in that]".

³² I.e. when the Jews left Egypt, the "fire by night" appeared before nightfall, while the "cloud by day" was still around.

³³ The word "*ner*" is traditionally translated "candle", but the earlier sources generally do not use the word to refer to solid candles. Rashi explains that in the days of the Gemara, earthenware "lamps" were used; his full description is brought above (671:3).

A proof to my point: [When do we light] the Chanukah candle of Friday evening? [Obviously, before sundown!]³⁴

And the Behag holds³⁵: That it really *does* mean that one can light only starting from sundown.

The *Beis Yosef* quotes the *Ran*'s version of this discussion. Then he quotes the Rambam (Chanukah 4:5): "One does not light Chanukah 'candles' before sundown, but rather as it comes down, [and] one may not 'postpone' [i.e. light later] and one may not 'advance' [i.e. light earlier]." The *Beis Yosef* says that this is like the Behag.

However, there's an exception. The *Beis Yosef* quotes R. Yitzchak Abouhav^o [in the name of the *Orchos Chayim*]:

If someone lit while it was still day (i.e. by a week-night) because he was occupied [i.e. he would not have been able to light later (Mishnah Berurah)] - he was *yotzei*, as long as it was in the last "half of the mincha".

The proof: It's certainly not more stringent than *havdalah* - about which we say (Brachos 27b) "R' Yoshiah prayed the Shemoneh Esray of the departure of Shabbos [which includes *havdalah*] during the afternoon of Shabbos"³⁶.

However: He has to put in more oil than the [standard] amount for lighting - so that it will burn until "no foot remains" [i.e. a half hour after "sundown"].

We now have a *second* position permitting lighting early, but with certain limitations. To clarify, it seems that both leniencies can be compared to the Friday afternoon lighting; and the only difference between the two is that the Rashba proves from Friday that the very "beginning time" *itself* is "not crucial", whereas R. Yitzchak Abouhav would say that Friday is merely in the category of "someone who would not be able to light later."

The *Shulchan Aruch* rules like the Rambam, and mentions R. Yitzchak Abouhav: **One does not light Chanukah "candles" before sundown, but rather with "the end of its setting"** [see the next subject] - **one may not "postpone" [it] and one may not "advance" [it]; [On the other hand,] "there is someone who holds"**³⁷ **that if one is occupied, he can light from "plag haMincha"** [explained soon] **and onward, but he has to put in [enough] oil [to last] until "no foot remains" in the marketplace.**

The *Mishnah Berurah* clarifies a number of points:

(1) In the *Sha'ar HaTziyun*, he brings from the Chida^o that the leniency of "someone who holds" [i.e. R. Yitzchak Abouhav] is accepted as the Halacha.

(2) With that in mind, he explains in the *Mishnah Berurah* that someone who has to light before sundown (but after "*plag haMincha*") can say the *bracha*.

³⁴ This Halacha is mainly dealt with below (*siman* 679), where we see that one even says the *bracha*.

³⁵ The Rashba here calls him "the author of the *Halachos*". The *Ran* (when quoting this discussion) says explicitly that it's the Behag.

³⁶ This Halacha itself is discussed above in the *Halachos* of Shabbos (O.C. 293:3).

³⁷ *Shulchan Aruch* language for a reliable but uncorroborated source. [Actually, I saw a responsum that quoted the commentary of the Chida^o to *Tractate Sofrim* (20:4), saying that although the above is *usually* the meaning of this language, *here* it seems more like a *disagreement*.]

(3) As for the meaning of "*plag haMincha*", of course it's the starting point of the "last half of the *Mincha*" which R. Yitzchak Abouhav mentioned. The *Mishnah Berurah* explains that it's measured by counting one and a quarter "relative hours" [i.e. one relative hour = one-twelfth of the daylight hours] before the time "when the stars come out"³⁸.

(4) In the *Sha'ar HaTziyun*, he explains that if someone lit even *before* "*plag haMincha*", then he has to put out the candle and re-light it.

(5) As for needing enough oil to last until late, he explains in the *Mishnah Berurah* that it's because the *publicizing of the miracle* comes from the candles' being lit at *night*.

(6) He adds that if someone lit with only the regular "half hour's worth", then he has to re-do the lighting, but without a *bracha*.

(7) In the *Bi'ur Halacha*, he explains why one says no *bracha* in the above case: "Because out of [the] difficulty [of this case] we [are willing to] say that the Mitzvah actually started from '*plag haMincha*' and onward."

The *Bi'ur Halacha* says that actually, the Rambam cannot hold exactly the same position as the Behag. For the Rashba says that the Behag holds that the Halacha is like Rav Yosef (in *Shabbos* 34b) that "*bein haShmashos*" [the intermediate twilight period - see "Principles"] only *starts* some time *after* what the Sages call "sundown", and that's how he'll respond to the Rashba's proof from the Friday afternoon lighting (because lighting candles will only be *assur* because of *Shabbos* *after* "*bein haShmashos*" starts, but the time for Chanukah candles will have already begun at "sundown" which is *before* then). But the Rambam (the *Bi'ur Halacha* continues) holds that the Halacha is like Rabbah (who disagrees with Rav Yosef in *Shabbos* *ibid.*) that "*bein haShmashos*" starts at "sundown" itself³⁹, so how can *he* explain the Chanukah lighting on Friday?

The *Bi'ur Halacha* says this proves that the Rambam's phrase, "as [the sun] comes down", includes a short time *before* sundown itself (like the phrase "as it gets dark" [*Shabbos* 34a] which the Gemara explains to mean a short time *before* dark).⁴⁰

The *Bi'ur Halacha* also brings the *Maggid Mishneh*^o, who says that the Rambam's source for saying one cannot light early is the Gemara's statement (*Shabbos* 23b): "but one may neither 'advance' [the lighting] nor 'postpone' [it]"; i.e. the Rambam understands that to refer to Chanukah. The problem is: Since most authorities⁴¹ (including the

³⁸ See "Principles" for the meaning of "when the stars come out". And since the *Mishnah Berurah* here said that "*plag haMincha*" is calculated from then, it seems that the "relative hours" here should also be calculated using "when the stars come out" [and "the first ray of dawn" in the morning], as opposed to using (the "beginning" of) *sundown* [and sunrise in the morning]. However, it could be that *here* the *Mishnah Berurah* chose *only* the method of counting "*plag haMincha*" from "when the stars come out" [as opposed to above (O.C. 233 n4) and other places where he takes into account the position of counting from (the "beginning" of) *sundown*] for a *separate* reason: Since everyone agrees that the *main time of the Mitzvah* of Chanukah candles is at night, no one can really permit lighting them when it's totally light [as the Tosafos in *Menachos* (20b) points out, and as the *Bi'ur Halacha* brought above also suggests]; rather, everyone has to hold either (1) that the leniency to light early is for a *brief* period of time before sundown (as the Rashba implied), or (2) if we are to allow for a full "hour and a quarter" - then it has to be counted from "when the stars come out". [So if this is the *Mishnah Berurah's* reasoning, it might have no bearing on how to calculate the "relative hours".]

³⁹ These issues are mainly discussed in the Halachos of *Shabbos* (O.C. 261).

⁴⁰ It seems that one could also answer that the Rambam understands Friday like R. Yitzchak Abouhav; i.e. that it's an *exception* to the rules (because of lack of a choice), and is not to be taken as a prototype.

⁴¹ The *Bi'ur Halacha* refers to the commentaries of Rashi, *Rabbeinu Chananel*^o, Tosafos, the Rosh^o, and *Rabbeinu Yonah*^o, as well as to the *Mordechai* in *Brachos*, and the *Tur* & *Shulchan Aruch* in the Halachos of *Shabbos* (O.C. 263:4).

Shulchan Aruch) hold that the Gemara is talking about *Shabbos* candles, how can the *Shulchan Aruch* codify this Halacha with respect to Chanukah as well, without a source?

The *Bi'ur Halacha* admits that it's possible to conceive of a position that considers it *inherently* logical that Chanukah candles cannot be lit early, because then it's just a "candle at noon"⁴² - so it's not recognizable why he's lighting. However, he points out, that can only be said about lighting while it's still totally light outside; so he concludes that the *Shulchan Aruch* who ruled that "from sundown" starts with "the end of sunset" [as explained in the next subject] - and still also ruled that one cannot light beforehand - needs further examination.

The *Bi'ur Halacha* summarizes his conclusions as follows: If someone's *minhag* is to light at the sun's disappearance from our view, then he may not light more than about ten minutes earlier [like the Rambam]. Conversely, if someone's *minhag* is to light "when the stars come out", then he certainly *can* light earlier [i.e. even "initially"] - by up to almost a half hour.

Finally, the *Bi'ur Halacha* writes that no matter how early one lit, he must use enough oil to last until a half hour after the "when the stars come out", and it's *assur* to use the light for that entire time span⁴³.

WHAT DOES "FROM SUNDOWN" MEAN (IN THIS CONTEXT)

The Tur^o says that time begins with "the end of sunset", and the *Shulchan Aruch* "inserts" this when he quotes the Rambam [as quoted above]. What is that all about? So the *Beis Yosef* refers to the position of *Rabbeinu Tam*^o, that there are two stages to the setting of the sun⁴⁴; and accordingly, the *Beis Yosef* explains that the Tur is interpreting our Baraisa as referring to the second stage. (He says that the Tur deduced that from the fact that according to *Rabbeinu Tam*, "the beginning of sunset" [i.e. the first stage] is considered totally daytime⁴⁵.) However, this doesn't tell us whether to start from the *end* of the second stage (i.e. "when the stars come out") or from the *beginning* (about fifteen minutes earlier).

The *Gra* says that it makes sense to interpret the Tur as meaning like his father the Rosh^o writes (*Ta'anis* 1:12): "Sundown [here] means 'the end of sunset', and that's the time 'when the stars come out.'" The *Mishnah Berurah* implies that this is the *Shulchan Aruch's* position as well [presumably because the *Shulchan Aruch's* "insertion" is taken from the Tur]. However, the *Gra* says the Rashba holds that the Baraisa means the *beginning* of the second stage. (He then brings the *Mordechai*^o's proof to that: Just as the Gemara (*Bava Metzi'ah* 88b) says that the phrase "from when their flower falls" means "when their flower *begins* to fall", so here too, the language "from" sundown must start at sundown's *beginning*.) Then, the *Gra* refers to "what I explained at length above (O.C.

⁴² See the footnote to the subject of "After the entire night has passed", in *se'if* 1.

⁴³ This seems difficult: Isn't the middle part of that time span "not part of the Mitzvah" according to *all* positions? [This question is based on the various positions regarding the meaning of "sundown" (in the next subject), which are in turn based on the relevant positions regarding when "*bein haShmashos*" is (refer again to "Principles").]

⁴⁴ This position is quoted in Tosafos (*Shabbos* 35a), answering thereby a contradiction between *Shabbos* (ibid.) and *Pesachim* (94a). This is mainly dealt with in the Halachos of *Shabbos* (O.C. 261:1-2).

⁴⁵ [As opposed to the second stage, which according to *Rabbeinu Tam* is "Bein HaShmashos" (see "Principles").]

261:2)." Presumably, he is referring to the fact that he himself disagrees with the position that there are two stages in the first place. Consequently, it comes out that the *Gra's own* position is that the lighting time begins at the sun's disappearance from our view⁴⁶.

The *Mishnah Berurah* brings only the Tur [who said to light "when the stars come out"] and the Rashba [who hold that one lights at "the beginning of the second sunset"], and not the *Gra* [who holds that one lights at "the sun's disappearance"]. Then he writes how to decide: If someone's *minhag* is to wait until "when the stars come out" for *Ma'ariv*, then it's proper for him to light beforehand (with a lot of oil, as above). [The implication is obviously that for someone who prays earlier, it's proper to light "when the stars come out".] And if the time "when the stars come out" passes - and one still has not lit *and* has not prayed, then the *Mishnah Berurah* brings from the *Sha'arei Teshuvah*^o that *Ma'ariv* comes first (since it's "*tadir*" ["The more 'frequent' Mitzvah" - see "Principles"]) and it also contains the *Sh'ma* which is Torah-mandated). [We can ask: What if someone has a "late *Ma'ariv*" regularly? If he didn't light before "when the stars come out", does he then wait for lighting until after his regular *Ma'ariv*?⁴⁷] The *Mishnah Berurah* ends by writing that if people plan to have that last practice *regularly*, it's proper for them to at least prepare their candles in advance - so that they will be able to light right away after *Ma'ariv* (since they only have a total of a half hour - at least according to the Halacha of "the old days"⁴⁸ [see *se'if* 2]).

Rav Shmuel Vosner^o (*Shevet HaLevi* 4:66) on someone who won't be home to light "on time" himself:

Sometimes, such a person will have the option of lighting "early" (i.e. from "*plag haMincha*" on). However, that option is really the most questionable [as is evident above⁴⁹]; and therefore, lighting "late" [i.e. as late as he'll still be able to light with a *bracha* (as discussed in *se'if* 1)] is definitely better than *that*. The question is: What if he also has the option of having a representative ["*shaliach*"] light on his behalf "on time"? That too would certainly be better than lighting "early", since one can definitely *yotzei* through the lighting of a representative [as mentioned below (in 677:1, by "guests"). But maybe it would be better to light "late", because "Mitzvahs are best done by oneself and not a representative" [see "Principles"].

Well, as far as the obvious advantage of lighting "on time" - that it's better not to delay a Mitzvah - I'm certain that doing the Mitzvah "by oneself" is more important than *that*. However, there's an additional advantage to lighting "on time" - i.e. it's the *more correct* form of the Mitzvah itself - and it could be that this outweighs even doing the Mitzvah "by oneself".

[This analysis seems to be ignoring two points: (1) If someone's lighting location is indoors (i.e. as discussed above 671:5), then lighting "on time" may not be "the more correct form of the Mitzvah" for him (as discussed in this *siman*, *se'if* 1). (2) Lighting through a representative could be undesirable if the person being represented will therefore not hear the *brachos* (see the discussion of R. Moshe Feinstein^o, below 676:3).]

⁴⁶ The *Bi'ur Halacha* mentions that this is also *his own* understanding of the *Rambam's* position.

⁴⁷ A possible case to compare this to: counting the *omer* (O.C. 489:1).

⁴⁸ source's wording: "the main time [period] for the lighting, which is a half hour, according to the Halacha of the Gemara."

⁴⁹ R. Shmuel Vosner himself explains its being "questionable" as follows: The *Mishnah Berurah* only accepts this leniency on the authority of the Chida [as mentioned above]. But the Chida himself, in a work he wrote *later* than the one referred to by the *Mishnah Berurah*, reverses his position and holds one *cannot* rely on the leniency to light early with a *bracha*.

SOMEONE WHO LIT "TOO FEW CANDLES" AND WANTS TO FIX THAT

The *Beis Yosef* writes in the name of the *Orchos Chayim*^o:

In the city of Lunil, it happened: That someone lit too few "candles" (i.e. two "candles" on the third night, or three on the fourth night).

The ruling about this was: That he had to light the missing "candles" now. But he didn't need to say the *bracha* again, because the *bracha* that he made **at the start** was for all the "candles" he was **supposed to light**⁵⁰.

The *Mishnah Berurah* brings this, and concludes by adding: "See the *Pri Megadim*^o, who favors [ruling] that even if *at the start* he only had in mind [to light] one candle [i.e. because that's all he had], and afterwards he 'happened to' get access to another candle⁵¹, [so] *then as well* he should not say the *bracha* again [i.e. *contrary* to the implication of the *Orchos Chayim*], because according to the [basic] Halacha there's no obligation for any more than one candle, and the rest are for the purpose of 'enhancement' [see above 671:2]."⁵² (The *Mishnah Berurah* below [by 676:1] brings that if a person *completely* "forgot the *bracha*" until after lighting the first candles, then he *does* say the *bracha* upon lighting the rest.)

⁵⁰ source's wording: "he made [the *bracha*] over the obligation of all the candles."

⁵¹ source's wording: "another candle 'came about' to him" ["*nizdamnah lo*"].

⁵² See also the analysis of this point by R. Moshe Feinstein^o, brought below (676:3).