

# HALACHICALLY SPEAKING

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{ TOPIC }

## WHEN TO LIGHT THE CHANUKAH MENORAH



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► Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former *chaver kollel* of *Yeshiva Torah Vodaath* and a *musmach* of *Harav Yisroel Belsky Shlita*. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, Shlita* on current issues.

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# WHEN TO LIGHT THE CHANUKAH MENORAH

Many people work late, especially in the kashrus world where *mashgichim* go to distant plants. The question arises as to what they should do about lighting Chanukah candles. Some activities are prohibited once the time to light arrives (i.e. eating and working). If so, how can one still be at work at this time? What time is the best time to light and should one make it his business to come home early during Chanukah so that he can light at the proper time? These issues and others will be addressed in this article.

## Learning, Eating, Working, etc. before Lighting

Once the time to light the menorah arrives, it is forbidden to learn,<sup>1</sup> eat, or do other activities.<sup>2</sup> Eating is forbidden a half-hour before.<sup>3</sup> One who started within this time must stop,<sup>4</sup> but if he started before this time, he may continue.<sup>5</sup> “Eating” applies to a *shiur* of a meal of *mezonos*, or more than a *kebeitzah* of bread.<sup>6</sup> If one is not eating *mezonos* as a meal it is permitted. One can eat fruit and drink (except wine)

1. One who is learning in a *yeshivah* or *kollel* is not required to stop learning in order to light if someone will remind him to do so later on (opinion of Harav Moshe Feinstein *zt”l* quoted in *Moadei Yeshurun* 1:page 8:footnote 109). Refer to *Shraga Hameir* 8:18:2 regarding what one who is learning in *yeshivah* should do once the time for lighting has arose. Also see *Mekadesh Yisrael* 145, 152, *Halichos Chaim* 1:pages 127-128:392, *Halichos Shlomo Moadim* 16:footnote 2, *Mipeninei Harav* pages 188-189.

2. *Magen Avraham* 672:5, *Taz* 1, *Elyah Rabbah* 1, *Ben Ish Chai Vayeishev* 1:7, *Kitzur Shulchan Aruch* 139:10, *Mishnah Berurah* 10, *Aruch Hashulchan* 7, *Kaf Hachaim* 4.

3. *Sha’ar Hatzion* 13, 15. *Orchos Rabbeinu* 3:page 17:51.

4. *Elyah Rabbah* 1, *Magen Avraham* 672:5, *Mishnah Berurah* 1. Refer to *Yad Ephraim* 672 on this.

5. *Nitei Gavriel* Chanukah page 32:2:footnote 3.

6. *Halichos V’hanhagos* (Harav Elyashiv *zt”l*) page 7. Refer to *Mishnah Berurah* 232:34, *Ohr Yisrael* page 136:4.



איזן על להקיף"ה בעולמו אל"ה יאמור של הלכה בלביד" (ברכות ח)

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as much as he wishes.<sup>7</sup> According to some *poskim*, women who do not light themselves do not have this restriction.<sup>8</sup> However, the custom is to be stringent if she is not weak.<sup>9</sup>

Based on the above, some *poskim* suggest that one should leave before the half-hour of the time to light arrives,<sup>10</sup> but this is difficult. In most cases, one need not leave work early. First of all, the only concern is that one might become engrossed in his work.<sup>11</sup> A salaried worker, who works from nine to five, need not be concerned about this. In addition, the opinion of the Rama (see below) is that since we light inside there is no need to be concerned for the time to light of *tichlah*... Although the Rama says that one should be careful, one can be lenient when he has to work.<sup>12</sup> Furthermore, one can appoint a *shomer* who is not working to remind him to light.<sup>13</sup> Additionally, since the work session began long before the time to light, there is no need to stop working once the time for lighting has arrived.<sup>14</sup>

### The Time to Light<sup>15</sup>

The opportune time to light Chanukah candles is at *shkiah*.<sup>16</sup> (This is the custom in Eretz Yisrael for those who

7. *Halichos V'hanhagos* (Harav Elyashiv *zt"l*) page 7. Refer to *Mishnah Berurah* 232:34, 639:13, *Ohr Yisrael* page 136:4.

8. *Halichos Olam* 1:page 63:12, *Ohr Yisrael* page 137:7. Refer to *Meiy Chanukah* pages 12-13, *Shoshanas Yisrael* page 38.

9. *B'tzel Hachachmah* 4:58, *Nitei Gavriel* Chanukah page 32:3, *Halichos Shlomo Moadim* 16:3, *Chut Shani Ribbis* page 143, *Rivevos Ephraim* 4:163:29, opinion of Harav Chaim Kanievsky *shlit"a* quoted in *Ohr Yisrael* page 137:footnote 574, see *Rivevos Ephraim* 4:163:29, 5:434:2. Refer to *B'tzel Hachachmah* 4:60.

10. Refer to *Halichos V'hanhagos* (Harav Elyashiv *zt"l*) page 7.

11. *Halichos V'hanhagos* (Harav Elyashiv *zt"l*) page 7.

12. Refer to *Piskei Teshuvos* 672:footnote 33.

13. *Orchos Rabbeinu* 3:page 16:50, *Nitei Gavriel* Chanukah page 32:4.

14. *Meiy Chanukah* page 13.

15. This discussion DOES NOT pertain to lighting on Erev Shabbos Chanukah.

16. Refer to *Maseches Shabbos* 21b, *Ran Maseches Shabbos* page 9 "d'iy," *Rambam Hilchos*

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go in accordance with the Gra.)<sup>17</sup> Some of the *poskim* say that this does not mean *shkiah* as we know it, but it means *tzeis hakochavim*.<sup>18</sup> Some identify *tzeis hakochavim* as twenty minutes after *shkiah*,<sup>19</sup> while others say that one should light ten minutes after *shkiah*.<sup>20</sup>

One who is busy and will not have time to light later<sup>21</sup> can light from *plag haminchah*<sup>22</sup> with a *brachah*.<sup>23</sup> One who did not light the candles then may light “*ad shetichlah regel min hashuk*,” until people have left the marketplace.<sup>24</sup> The Rama<sup>25</sup> holds that since we light inside, there is no need to be concerned with the time. Nonetheless, one should be

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*Megillah V'Chanukah* 4:5, *Beis Yosef* 672, *Yosef Ometz* 1073, *Massei Rav* 235, *Biur Halachah* “lo.” *Ohr Yisrael Chanukah* page 101:footnote 407. See *Toras Chaim* page 100:5 quoting the opinion of Harav Yosef Chaim Sonnenfeld *zt”l*. See *Rivevos Ephraim* 2:182:2, 4:163:11, 7:204.

17. Refer to *Mitzvas Ner Ish U'beiso* pages 334-340, *Moadim U'zmanim* 2:154, *Piskei Teshuvos* 672:1, *Az Nidberu* 7:70, *Mekadesh Yisrael* 130.

18. *Tur* 672, *Bach*, *Shulchan Aruch* 1, *Elyah Rabbah* 1, *Magen Avraham* 1, *Machatzis Hashekel* 1, *Be'er Heitev* 1, *Chayei Adam* 154:18, *Kitzur Shulchan Aruch* 139:10, *Mishnah Berurah* 1, *Aruch Hashulchan* 4, *Kaf Hachaim* 2, *Mekadesh Yisrael* 130. Refer to *Taz* 673:9.

19. Harav Yisroel Belsky *shlit”a*, see *Az Nidberu* 7:70, *Moadim U'zmanim* 6:84, *Igros Moshe O.C.* 4:101, *Ohr Yisrael Chanukah* pages 102-103:footnote 411, *She'eilas Rav* page 398:7, *Doleh U'mashkeh* page 235, *Orchos Rabbeinu* 3:pages 13-14:35-36, see *ibid*:page 14:37-43, *Teshuvos V'hanhagos* 2:334, *Emes L'Yaakov* 672:footnote 586. Harav Yisroel Belsky *shlit”a* lights 50-60 minutes after *shkiah*.

20. *Igros Moshe O.C.* 4:101:6, *Halichos V'hanhagos* (Harav Elyashiv *zt”l*) page 5, *Peninei Chanukah* pages 150-151, see *Igros Moshe Y.D.* 2:79, *Moadei Yeshurun Chanukah* page 7:footnote 86, see *Rivevos Ephraim* 4:163:11 which says that Harav Moshe Feinstein *zt”l* was quoted as saying to light 13 or 18 minutes after *shkiah*. Refer to *Kovetz Beis Aharon V'Yisrael* 44:pages 77-81. Refer to *Nitei Gavriel Chanukah* page 24, *Mitzvas Ner Ish U'beiso* pages 124-128:footnote 1, *Yalkut Yosef* 5:page 208.

21. *Chayei Adam* 154:18, *Mishnah Berurah* 2.

22. *Shulchan Aruch* 672:1. Refer to *Moadim U'zmanim* 2:152. One must put a nice amount of oil so that the oil is burning until people have left the marketplace (*Shulchan Aruch* *ibid*, *Aruch Hashulchan* 5). See *Yisrael V'hazmanim* 55:6, *Shevet Halevi* 9:142:1. Refer to *Mekadesh Yisrael* 135.

23. *Mishnah Berurah* 3, *Sha'ar Hatzion* 4, see *Shevet Halevi* 1:188, 3:81.

24. Refer to *Maseches Shabbos* 21b, *Rashi* “*raglah*,” *Rambam Hilchos Megillah V'Chanukah* 4:5, *Beis Yosef* 672, *Shulchan Aruch* 1-2. This applies to Jewish people in the streets, not non-Jews (*Moadim U'zmanim* 2:141:footnote 1).

25. 672:2. See *Tsafos Maseches Shabbos* 21b “*d'iy*.”

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careful with this as well.<sup>26</sup> The opinion of the Rambam<sup>27</sup> is that the above *shiur* of *tichlah*... is a half-hour after night (*tzeis*)<sup>28</sup> or more. Therefore, enough oil has to be placed in the menorah to last until then.<sup>29</sup> In practical terms, for those who do not follow with the times of Rabbeinu Tam, this is fifty minutes after *shkiah*.<sup>30</sup> This applies even for those who light the menorah inside (outside of Eretz Yisrael).<sup>31</sup> These calculations are based on the assumption that the time frame of *tichlah*... is a half-hour after *tzeis hakochavim*. This is not so simple.

There were no streetlights in earlier days, and very few people would be on the streets late at night. Today, people walk in the streets until much later at night. Therefore, people will see the Chanukah lights until a much later time. Some explain that stores are open later, and people return home much later at night.<sup>32</sup> Accordingly, many *poskim* say that the time of “*ad shetichlah regel min hashuk*” is much later.<sup>33</sup> This obviously depends on the neighborhood. For example, the streets of Boro Park do not quiet down until

26. Refer to *Mekadesh Yisrael* 140, *Oraisa* 10:pages 133-134.

27. *Ibid.*

28. This is quoted by other *poskim* as well (*Rosh Maseches Shabbos* 2:3, *Tur* 672, *Shulchan Aruch* 2, *Pri Megadim Eishel Avraham* 1, *Chayei Adam* 154:18-19, *Kaf Hachaim* 14). Some say after this time one may not light (*Rambam* *ibid*). However, this is not the accepted custom (*Beis Yosef* 672).

29. *Rambam* *ibid*, *Tur* *ibid*, *Shulchan Aruch* 1-2, *Chayei Adam* 154:18, *Kitzur Shulchan Aruch* 139:10, *Mishnah Berurah* 1, 4, *Biur Halachah* “*u’bivlad*”

30. *Igros Moshe* Y.D. 2:79.

31. *Tur* *ibid*, *Biur Halachah* “*u’mikol makom*,” *Aruch Hashulchan* 3, 6. Refer to *Rama* 672:2.

32. *Moadim U’zmanim* 2:141.

33. Refer to *Ritva Maseches Shabbos* 21b, *Shiltei Giborim Shabbos* 9a, *Moadim U’zmanim* 2:141, *Teshuvos V’hanhagos* 1:390, 3:215:2, 4:167, *Rivevos Ephraim* 6:361, 8:264, *Halichos Shlomo Moadim* 2:page 292:8, *Dibros Moshe Maseches Shabbos* 2:7, *Mekadesh Yisrael* 139-140, 144, *Halichos V’hanhagos* (Harav Elyashiv *zt”l*) page 6, *Orchos Rabbeinu* 3:page 15:46, *Doleh U’mashkeh* 672:page 236, *Sho’alim V’dorshim* 3:33, *Emek Teshuvah* 6:233, opinion of Harav Dovid Feinstein *shlit”a* quoted in *V’dibarta Bam* page 473. After this time one can extinguish the light (*Aruch Hashulchan* 672:9). See *Orchos Rabbeinu* 3:page 15:45, *Aleh Katamar* page 22. Refer to *Chayei Adam* 154:21.

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1:00am.<sup>34</sup> Therefore, one should put enough oil to burn until then.<sup>35</sup> In addition, one can light *l'chatchilah* until that time.<sup>36</sup> However, there are those who say that the change of our nocturnal habits has no impact on the *shiur*.<sup>37</sup> One proof to this is that in the time of earlier *poskim* people already kept later hours at night, yet there is no mention that the *shiur* of a half-hour after *tzeis* should be changed.<sup>38</sup>

Even according to those who say the *shiur* changed and the candles should burn until later, it is not a requirement, but merely an appropriate act.<sup>39</sup>

*Bedi'aved*, one may light with a *brachah*<sup>40</sup> all night<sup>41</sup> until *alos hashachar* (if people are up).<sup>42</sup> One who lights late at night should make sure that people are awake<sup>43</sup> (in order to publicize the miracle)<sup>44</sup> in his home to see the lights.<sup>45</sup> One who lit without anyone being awake does not have to be rebuked.<sup>46</sup>

34. This refers to the time that Jews are still in the street (refer to *Sha'ar Hatzion* 672:17).

35. *Moadim U'zmanim* 2:141, *Teshuvos V'hanhagos* 1:390, 3:215:2, 4:167.

36. *Moadim U'zmanim* 2:141. Refer to *Nemukei Orach Chaim* 672:1 and *Mishmeres Shalom* 49 regarding many *chassidishe* rebbes who light very late at night.

37. Refer to *Birurei Chaim* 3:pages 733-734, *Avnei Yushpei* 5:94, *Doleh U'mashkeh* page 236, *Aleh Katamar* page 22:42, opinion of Harav Elyashiv *zt"l* quoted in *Peninei Chanukah* pages 156-157. See *Pri Megadim Eishel Avraham* 1.

38. *Avnei Yushpei* 5:94.

39. Refer to *Orchos Rabbeinu* 3:page 15:46. See *She'eilas Yaavetz* 1:4.

40. Refer to *Kaf Hachaim* 26.

41. *Bach* 672, *Shulchan Aruch* 2.

42. *Elyah Rabbah* 3, *Magen Avraham* 6, *Moed L'chol Chai* 27:27. *Mishnah Berurah* 10-11, *Aruch Hashulchan* 7, *Shevet Halevi* 8:156:2, *Rivevos Ephraim* 5:582, *Mekadesh Yisrael* 157-158. Refer to *Shevet Hakehasi* 6:244.

43. Anyone who understands and is awake is considered a person to whom *pirsume nisa* applies when you light (*Aruch Hashulchan* 7).

44. *Aruch Hashulchan* 7.

45. *Magen Avraham* 5, *Kitzur Shulchan Aruch* 139:10, *Chayei Adam* 154:19, *Mishnah Berurah* 11, *Aruch Hashulchan* 7.

46. *Sha'ar Hatzion* 17. *Chayei Adam* 154:18. Refer to *Halichos Olam* 1:pages 62-63. See *Ohr Yisrael*

איך ללהקט"ה בעולמו אלא יד אמות של הלכה בלבד... (ברכות ח)

## Ma'ariv before or after Lighting

There is an interesting question regarding when to *daven* Ma'ariv on Chanukah. There are those who opine that Ma'ariv precedes the menorah, based on the concept of "*tadir v'she'eino tadir tadir kodem*" (the more frequent mitzvah comes first).<sup>47</sup> Others say that one should light first in order not to miss the opportune time to light.<sup>48</sup> The *Mishnah Berurah*<sup>49</sup> says that one who usually *davens* Ma'ariv after *tzeis* should light before he *davens*.<sup>50</sup> If the time of *tzeis* arrives before one lights, then he should *daven* Ma'ariv first. In any case, the *Biur Halachah*<sup>51</sup> maintains that it is proper to light before Ma'ariv.<sup>52</sup> One who lights after Ma'ariv should still prepare the menorah beforehand so he can light immediately after Ma'ariv, in order to light a half-hour after *tzeis*. Those who always wait seventy-two minutes after *shkiah* to *daven* Ma'ariv should light after Ma'ariv.<sup>53</sup> One who has a set *minyán* where he always *davens* Ma'ariv should *daven* at that time and light before Ma'ariv.<sup>54</sup>

## Working People and Someone Lighting at Home

From the above, it is apparent that one who cannot make it home at the beginning of the night can light when he

30:pages 74-88 in great depth. Refer to *Rivevos Ephraim* 4:159, 163:16.

47. *Sha'arei Teshuvah* 672:1.

48. *Ibid*.

49. 672:1.

50. Refer to *Pri Megadim Eishel Avraham* 1, *Elyah Rabbah* 1.

51. "lo." Refer to *Massei Rav* 235.

52. This is the opinion of others as well (*Aruch Hashulchan* 6). Harav Yisroel Belsky *shlit"a* holds that if one lights twenty minutes after *shkiah*, he should *daven* Ma'ariv after lighting, but if he lights 50-60 minutes after *shkiah* then he should *daven* Ma'ariv before he lights.

53. *Moadim U'zmanim* 6:64, *Nitei Gavriel* Chanukah page 26:7.

54. *Mitzvas Ner Ish U'beiso* page 130:footnote 4 quoting the opinion of Harav Vosner *zt"l*, *Teshuvos V'hanhagos* 2:338. Refer to *Moed L'chol Chai* 27:37, *Az Nidberu* 9:47. Refer to *Nitei Gavriel* Chanukah page 26:6, *Ohr Yisrael* 6:pages 58-62, *Rivevos Ephraim* 8:269.

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comes home, even if is very late at night. However, he should make sure someone from his household is awake.

There is another solution to this problem.

If one knows that he will not be at home until much later at night, there are those who suggest that his wife should light for him at the correct time.<sup>55</sup> However, others say that she should wait until her husband comes home because of *shalom bayis*.<sup>56</sup> It is related that the *rebbe* of the Chafetz Chaim *zt"l* would wait to light until his wife came home because of *shalom bayis*. Others say that one should have in mind not to be *yotzei* with his wife's lighting, and then he can light with a *brachah* when he comes home if people are up (*l'chatchilah*).<sup>57</sup>

## Business Trip

One who is not home at all for Chanukah (i.e. he is on a business trip) should discuss the situation with his *rav* before leaving.

55. Refer to *Taz* 677:1, *Chayei Adam* 154:33, *Mishnah Berurah* 677:2, *Sha'ar Hatzion* 4, *Biur Halachah* 677 "u'lehadlik," *Avnei Yushpei* 5:94, *Halichos V'hanhagos* (Harav Elyashiv *zt"l*) page 6. See *Shevet Halevi* 4:66.

56. Refer to *Halichos Shlomo Moadim* 16:2:footnote 1, *V'aleihu Lo Yibol* 1:page 236:409, *Halichos Chaim* 1:page 127:390-391, *Emes L'Yaakov* 672:footnote 586, opinion of Harav Shlomo Miller *shlit"a* quoted in *Shoshanas Yisrael* page 36.

57. *Halichos Chaim* 2:page 108:216.

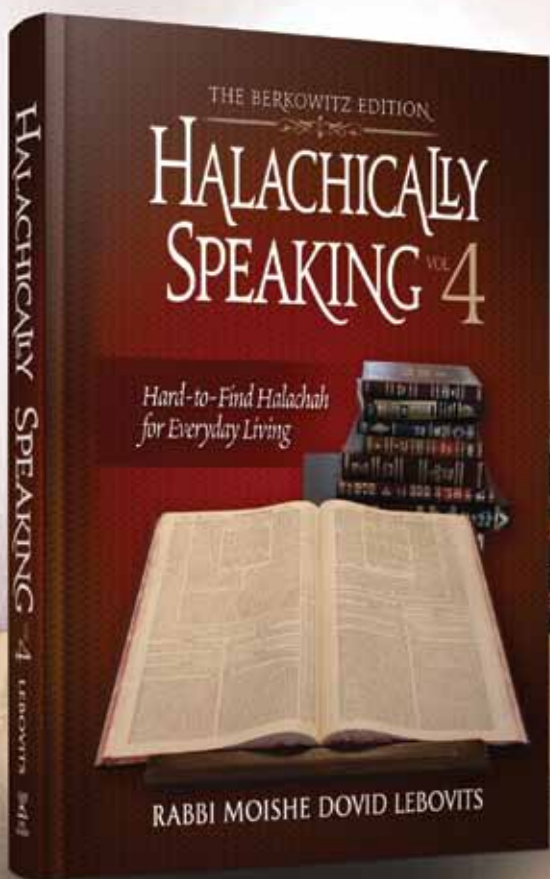


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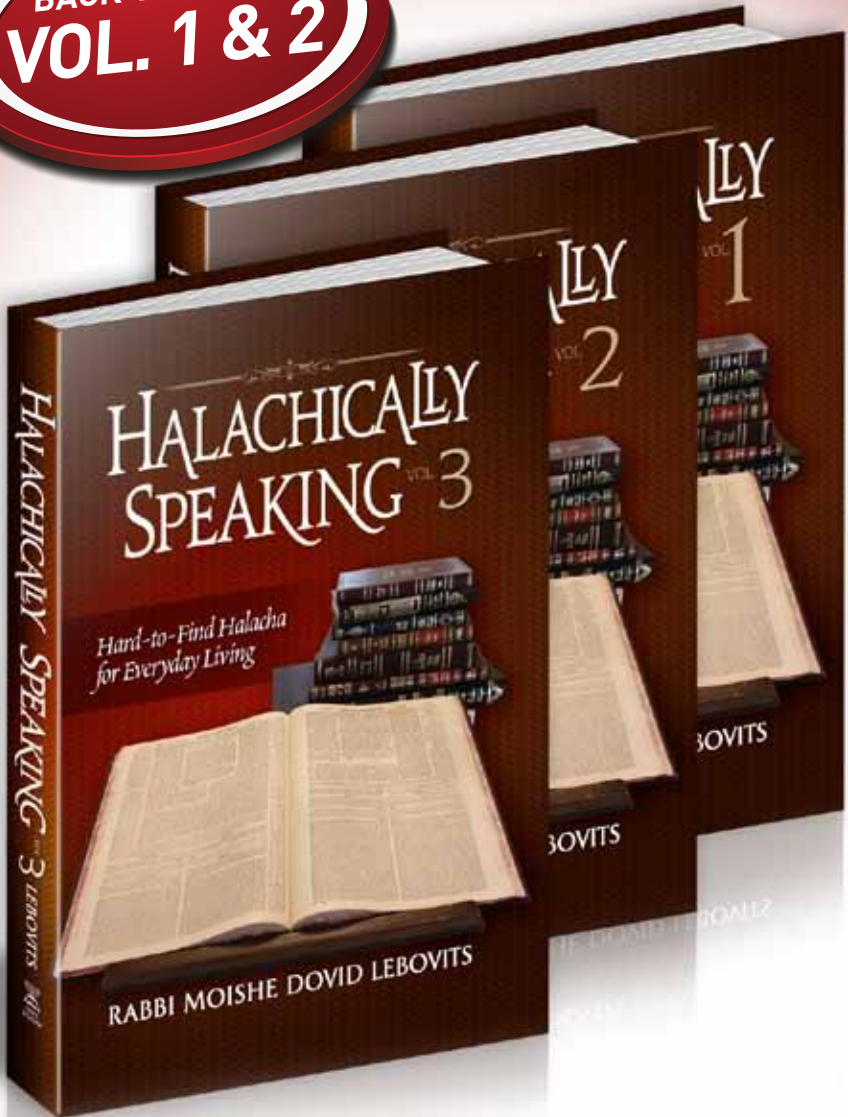


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