

does it, and does nothing to help him, but also does nothing to stop him, he violates a Scriptural *mitzvah* to admonish. If the violator would never listen to him anyhow, he might still be required to say something. If the violator would become more entrenched after hearing the admonishment, the person may not admonish. Furthermore, if the violator is currently ignorant about the sin, but when he is told will still ignore it, he will now become an intentional sinner. Before being admonished, he was only an unintentional sinner. Therefore, if the sin is not expressed explicitly in the Torah, it is better to let him sin unintentionally. The same applies if the sin is Rabbinically forbidden. If, however, it is expressed explicitly, the admonisher has a responsibility to say something. There is an additional concept of responsibility for the spiritual welfare of each other Jew. Accordingly, in our case, if it is determined that the purchase, and the sale of a seven-branched *menora* is forbidden, should one intervene to stop it? Assuming that one may not keep it in his possession even if he did not purchase it, should one bring this to his attention?

If one can gain the confidence of the vendor and/or potential customers, such that he knows that they will follow his advice, he should certainly intervene. However, if the vendor is unlikely to get rid of his inventory, which is probable, and if his protest will otherwise not have the desired effect, it is better not to make a direct protest. First, the vendor and purchaser could claim to rely on the lenient opinions. Second, if they refuse to listen, they are now violating it willingly. Since this violation is derived, and is not written explicitly, one may not be a party to their violation under cover of admonishing them. However, an indirect announcement is in order. One can bring the matter to the attention of the general public, thus perhaps saving some people from the violations. [See Baba Metzia 75b Avoda Zara 6a-b etc. Sifri Masei 30, commentaries, Poskim. Sh Ar OC 608:2, commentaries. Chofetz Chaim, Psicha Lavin 4 16, Asei 5.]

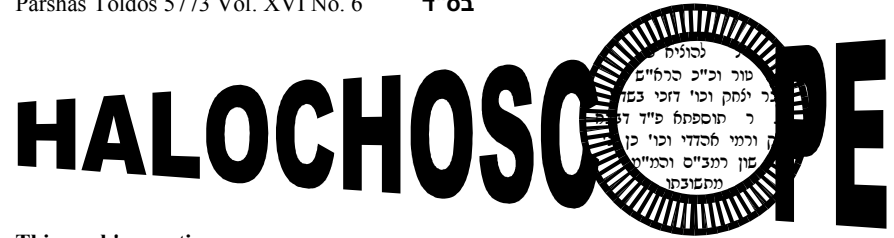
In conclusion, one should not purchase or use a seven-branched *menora*. Electric *menoras* are less of an issue. As for the organization selling them, if one knows that he will be able to prevent it, he should admonish them directly. If this will not help, he should not raise it directly. Rather, he could raise public awareness about the issue.

On the Parsha And you will have brought upon us sin .. [26:10] Why is Avimelech accusing Yitzchok of bringing the people to sin? Had he or his people sinned with Rivkah, Yitzchok could not be blamed for the act! Furthermore, Yitzchok never actually encouraged the potential sin, or even helped anyone sin! Though he said Rivkah was his sister in fear of his life, Avimelech held him liable. Perhaps Avimelech meant to indicate that Yitzchok should have rather admonished them directly. Yitzchok's defense was that they would not listen. They might even kill him! Avimelech felt that Yitzchok could have prevented it.

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This week's question:

An organization is promoting the sale of seven-branched menorahs. Is this permissible? If it is forbidden, and someone is in position to protest this publicly, should he do so? Should he lodge a private complaint? What if he knows that this will not stop people from purchasing them? What about electric seven-branched menorahs?

The issues:

- A) *Lo saasun iti*, the prohibition forbidding making copies of the artifacts of the *Bais Hamikdash*, specifically, a seven-branched menorah
- B) Keeping such items in one's possession, or selling them to others
- C) *Hochaiach tochiach*, the *mitzvah* to admonish and to prevent others from sinning

A) *Lo saasun iti*

There is a *mitzvah* to erect a Tabernacle and a *Bais Hamikdash* and to furnish it with certain utensils. The dimensions of these utensils and their materials are very specific. The *menorah*, a seven-branched lamp, was of solid beaten gold with flowers, cups and knobs on its branches. The height of the *menorah* is not specified in the Torah, unlike most other utensils. Nonetheless, the poskim give a requisite height, based on *Midrashim* and *gematria*, numeric calculations taken from the Hebrew lettering of the Torah.

The materials listed in the instructions for the utensils are very specific. Thus, according to the Talmud, if they are made of different materials, they are invalid. The same is true of their dimensions. The *menora* and the silver trumpets are exceptions to this rule. The Talmud derives from *pesukim* that if it was not possible to fashion the menorah of gold, it could be made of any other metal. A minority opinion permits making it of wood. The Talmud concludes that the trumpets could be made of other metals as well. The Mechilta, a *halachic midrashic* source, indicates that the other utensils could also be made of alternative materials. The source for this is that the permanent altar was actually left to choice, stone or earth. The altar was also made with different dimensions in the *Bais Hamikdash*. It was expanded over the years as well. Nonetheless, the Navi says that the dimensions of the *Bais Hamikdash* had to conform to those given to *Shlomo Hamelech*. Thus, some dimensions are very precise, while others are more flexible.

The Torah says: *lo saasun iti* ..., you shall not make "with Me [Hashem] ...", gods of silver or of gold. This includes making images or representations of the celestial bodies – Hashem's servants and ministers, put in place to run the natural order "with" Him. It also forbids making replicas of the utensils that appear to "help" Hashem in our service, i.e., the Tabernacle and its utensils. Alternatively, the meaning it "My dwelling" that is "with Me". Some provide a different source for this prohibition. There is a positive *mitzvah* to show reverence for the sanctuary, *umikdashi tirau*. It is irreverent to replicate the struc-

ture or the utensils. The first view considers it a negative *mitzvah* connected to paganism, since it is written in the Torah using terminology that applies to idols. The second view considers it a positive *mitzvah*, less grave and not connected to paganism.

Some consider it a Rabbinical *mitzvah*, as an extension of the Scriptural *mitzvah* to revere the sanctuary itself. One view considers it a Rabbinical extension of the Scriptural *mitzvah* forbidding the concocting of the incense recipe for personal use.

As we have shown, some utensils could vary in size, and possibly shape, over the years. There is some debate on which versions were forbidden to replicate. Some say it applies to those in present or most recent use. Only these are “with” Hashem. Others say it includes any utensil once used to serve Hashem. Some make this dependent on the source for the prohibition. If it is Rabbinic or based on *mikdashi tirau*, anything is included. If it is part of *lo saasun iti*, only present or most recent models are forbidden.

There is also debate on producing an inexact reproduction. Those who forbid it maintain that a resemblance is included in the prohibition. The Talmud permits a six-branched *menora*. It is also very common to produce, and to keep in possession, an eight-branched *menora* for *Chanukah*. The poskim agree that only materials permitted for use in the utensils of the *Bais Hamikdash* are restricted, even if those were not the ideal materials. Therefore, a wooden seven-branched menorah is not forbidden. There is also debate on building reproductions for beauty (or for show or for educational purposes. Some maintain that the intent of the *mitzvah* is to restrict using them for service. Some connect this debate to the debate on the source for the *mitzvah*.

The poskim conclude that in regard to most of the utensils, the prohibition applies only when they are made in the same dimensions, and basically an exact reproduction. The *menora* is the exception. A seven branched *menora* is forbidden even if has neither the same dimensions nor the same design. There was a prevailing practice to make seven-branched *menoras* for use in *shuls*. The origin of the practice is debated. Some consider it a new-fangled practice based on ignorance. Others maintain that it is an established *minhag*, that must be justified and reconciled. Some, therefore, search for a dispensation.

The question is whether a substantial change helps mitigate the prohibition. Examples of the debates include: A seven branched base with eight lamps on top; a view that on a gold reproduction all details must match. This is based on the concept that when the Talmud permits *menoros* of other metals, they need not fit the Torah's specifications for the gold menorah. Since they would be valid for service, reproducing them is forbidden; varying the plane, such as placing the outer branches in a circle, square or triangle; a *menora* with no middle branch. Rather, all seven branches rise from a flat base; varying the heights of the branches; omitting an essential detail, so that such a *menora* would be invalid for use in the *Bais Hamikdash*; suspending the *menora*, rather than placing on a surface; using candles rather than oil lamps (or in our questioner's case, even using electric lamps). All of these are the subjects of debate, on various levels. The questions arise because a *menora* can be valid for service without the details. Therefore, perhaps any *menora* is included in the restriction. [See Parshas Yisro 20:20, Mechilta, Teruma, commentaries. Rosh Hashanah 24a-b Chagigah 27a Avoda Zara 43a Zevachim 52a-62b Menachos 28a-29a Midos 3, Poskim. Rambam Bais Habechira 1:13-20 2:17 3:3-5 7:10, com-

mentaries. Chinuch (Minchas) 29 95 97 254. Maharik 75. Tur Sh Ar YD 141:4 8 (Darkei Teshuva 56-58), commentaries.]

B) Owning a seven-branched menorah

Possession of forms of forbidden images raise the issues of *avoda zara*, pagan items. *Avoda zara* must be destroyed. Benefit from it is forbidden, so that one could not sell it. One may not give it as a gift, since this will elicit a return favor. Keeping it in one's home involves the *mitzvah*, *lo savi toaivah el baisecha*, do not bring an abomination into your home. In our case, the item is not worshiped as a pagan symbol. Nonetheless, there is a view that the basis for the *mitzvah lo saasun iti* is connected to idolatry. The terminology used by the Torah is the same as that used for idols.

Even if the actual restrictions do not apply, there is a separate issue with holding items that are forbidden to make. The Talmud raises the issue of *chashad*, drawing suspicion of doing something forbidden. One might appear to have made the item, in violation of the *mitzvah*. While there is no direct liability for commissioning the item to be fashioned by another, there is indirect liability. One may not engage a non-Jewish craftsman to make these items for him. [Another suspicion applies to onlookers suspecting the owner of worshiping the item. This does not apply in our case.] Accordingly, may one keep such items in his possession? May he sell them to others?

The Talmud raises the *chashad* issue with regard to the other application of this *mitzvah*, making images of celestial bodies. A dispensation is allowed when they are made for study purposes. The poskim debate the permissibility of using a sanctuary item made by a gentile for a Jew, for example, living in a house built in the style of the *Bais Hamikdash*. This might have been made for a gentile, or for an ignorant Jew. Some maintain that one should be especially stringent in our case. Since each time a *menora* is used a physical activity takes place, this resembles service. Some maintain that *chashad* does apply, while others maintain that it cannot be applied to this reproduction. Nonetheless, some proponents of the lenient view still recommend stringency. This is based on their view that this is a Scriptural matter. Accordingly, the existence of the opinions that consider it Rabbinical, combined with those who maintain that there is no *chashad*, would mitigate this. However, there will be stigma attached to owning a seven-branched menorah. Those who know of the prohibition might not know of the dispensations. Thus, *chashad* could apply in some form or another. The basis of preventing *chashad* is to avoid attracting undue suspicion. One is normally not liable for the ignorance of others. However, in the case of *chashad* and *maris ayin*, impropriety of appearance, the *halacha* takes into account the ignorance of the onlookers as well. At the very least, one should not purchase such an item. [See Refs to previous section. Darkei Teshuva 52-53.]

C) Hochaiah tochiach

The Torah forbids helping another person sin. This is derived from the *mitzvah* not to place a stumbling block before the blind. The typical case is when the sinner could not complete his activity without the helper. For example, if a *nazir*, who may not drink wine, is across a river and cannot reach the wine, the helper on this side may not pass it to him. If the sinner is able to perform his action without help, but the helper makes it easier for him, he violates a Rabbinic extension, called *mesayaia*. If he is present when the sinner