

# ליקוטי ופסקי הלכות "חוקי חיים"

ותלמוד  
"תקופת התנאים"  
לעשות רצונך  
בלבב שלם



שע"י "חדר הוראה" שבונת מנחת יצחק פעה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Seven-Branch Menorah/Leichter

Behaloscha [א"י], Naso [חז"ל] 5782

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## Seven-Branch Menorah

### Model of the Menorah

1. There is a relatively little-known halachah that one may not make a menorah modeled after the Menorah in the Beis Hamikdash, just as one may not build a house with the dimensions of the Heichal, Ulam, or Azarah of the Beis Hamikdash (ש"י"ע י"ד סי' קמ"א ס"ח).
2. **Source.** The Gemara derives from the posuk "לא תעשון אתי וכר" that one may not make a house in the form of the Heichal ... or a menorah in the form of the Menorah (מנחות כ"ח:).
3. However, some understand this as an outgrowth of "ומקדשי תיראו," the mitzvah to fear not the actual Beis Hamikdash but the One Who gave the commandment (רמב"ם פ"ז בית הבחירה ה"א, וה"י). They understand that included in this mitzvah is an issur to "use the King's scepter" (רדב"ז). Since this is the source for the issur to make a likeness of the Menorah, they do not cite the issur under the mitzvah of "לא תעשון" (רמב"ם פ"ג עבודה זרה, חינוך מצוה ל"ט).
4. **Issur d'oraisa.** In any event, the poskim explain that this issur is d'oraisa (תוס' ע"ז דף מ"ג ע"ב ד"ה לא אסרה תורה, פתח"ת שם סק"ד).

### Form of the Menorah that May Not Be Reproduced

5. **Seven branches.** The issur is to make a menorah with seven branches, like the Menorah in the Mishkan, as the posuk says "בהעלותך את הנרות אל מול פני המנורה יאירו שבעת הנרות" (במדבר ה' ב'). One may make a menorah with fewer or more than seven branches (ש"י"ע שם).
6. **Is the issur only when it is exactly the same?** The poskim discuss whether the issur is only to make a menorah that is identical or very similar to the Menorah in the Mishkan or whether it is even to make something resembling or in a way that recalls the Menorah in the Beis Hamikdash. The consensus of the poskim is that anything with seven branches that somewhat resembles the Menorah in the Beis Hamikdash is included in the issur (מהרי"ק שורש (ע"ה, ש"י"ע שם, ש"ך שם).
7. **Without flowers, knobs, or cups.** Although the Menorah had ornamental flowers, knobs, and cups, the issur to make a likeness of the Menorah applies even without these ornaments. This is because strictly speaking, the Menorah was kosher even without them (מהרי"ק שם, סמ"ק סי' קס"ב, ש"ך סק"ה).
8. Some poskim want to permit making a gold menorah without flowers or knobs since a gold menorah without them would not have been kosher (מנחות כ"ח, הג' רע"א ש"ע קמ"א ס"ח). However, most poskim hold that one may not make a seven-branch menorah even if it is gold and does not have cups and knobs (תבואת שור ר"ה כ"ד הובא (ברע"א שם, פתח"ת סקט"ו).
9. **18 tefachim.** The Menorah in the Mishkan was 18 tefachim tall. Nevertheless, the issur to make a likeness of the Menorah applies even to a menorah that is a different height since the Menorah was kosher even if it was a different height (שם). In contrast, the issur to build a house like the Heichal, Ulam, or Azarah only applies if the dimensions are the same. This is because without identical dimensions, there is nothing about a house that resembles the Beis Hamikdash, whereas a menorah can resemble the one in the Beis Hamikdash even if it is not 18 tefachim tall (מהרי"ק שם).

10. **From one block.** It says in the parshah, "עד ירכה עד פרחו מקשה היא." Rashi explains that the Menorah had to be made from one block of gold that was carved and hammered to form its branches and ornaments, as opposed to soldering separate pieces together. The Ramban (ערה"ת בהעלותך ח' ד') holds that this was a required element for all time. Theoretically, this would give room to be meikel to make a likeness of the Menorah by attaching multiple parts.
11. However, most poskim hold that this aspect is not essential. It only needed to be made of one block if it was gold, but if it was made of another metal, this was not necessary (מנחות כ"ח) – at the very least, it was kosher even without this (וע"י). Therefore, the issur to make a likeness of the Menorah also applies to a menorah that was not made from one block.

### Seven Branches in a Circle

12. The poskim discuss whether the issur to make a seven-branch menorah is only when the branches are in a row, like the Menorah in the Mishkan, or even when the seven branches are in a circle [all at the same height, i.e., a candelabra] or six are in a circle with one in the middle. Some say that the issur is only when the branches are in a row (קמ"א סק"ד).
13. However, the consensus of the poskim is that it is assur even if the branches are in a circle. Since we do not find that the arrangement of the branches was an essential element of the Menorah in the Mishkan, we should be machmir with a potential issur d'oraisa (פתח"ת שם, קיצור ש"ע סי' קס"ח ס"ה, ש"ת שבט הלוי ח"י סי' קכ"ט). This is a very common issue that people do not know about.

### Cups Do Not Hold Half a Log

14. Some suggest that since the Menorah needed to have half a log of oil burn in each cup, a menorah whose cups contain less than that is not subject to this issur (ש"ת אג"מ י"ד ח"ג סי' ל"ג).
15. However, the consensus of the poskim is that this is not an essential requirement. Half a log was the minimum amount of oil, not a specification in the actual size of the Menorah's cups. Thus, it is assur to make a likeness of the Menorah even if the cups cannot hold half a log of oil (ש"ת שבט הלוי ח"ה סי' צ"ו, מו"ר בשו"ת שבט (הקהתי ח"ג סי' רל"א).

### Menorah Meant to Hold Candles

16. Some say that one may make a seven-branch menorah that holds candles since it does not resemble the oil Menorah in the Beis Hamikdash (משנת חכמים הובא בפתח"ת שם סק"ד), but the consensus of the poskim is that this is also assur (פתח"ת שם).

### Different Materials

17. **Metals.** The consensus of the poskim is that the issur to make a seven-branch menorah applies to any metal, e.g., silver, copper, etc., not just gold, since all metals were kosher for the Menorah in the Beis Hamikdash (ש"י"ע שם).
18. **Wood, clay, glass.** One may make a seven-branch menorah out of wood since a wood menorah was unfit for the Beis Hamikdash (גמ' (מנחות דף כ"ה ע"ב, רמב"ם פ"ז בית הבחירה ה"י, ש"ך שם סק"ה); one may certainly make one out of clay (רש"י שם ד"ה של חרס, מהרי"ק שם). Based on this, the poskim write that one may make a seven-branch menorah out of glass or plastic too.

### Seven Branches or Seven Flames?

19. Some poskim say that since the whole issur is to make a likeness of the Menorah, one may make a seven-branch menorah if he lights eight flames on it since no menorah like that was in the Beis Hamikdash (שו"ת חכם צבי סי' ט').
20. However, others hold that one violates the issur by just making the form of a seven-branch menorah even though eight flames would not be lit in the Beis Hamikdash (ח"ג סי' ע"א).

### Rendering One Branch Useless

21. The poskim discuss whether it helps to render one of the seven branches of a forbidden menorah useless, e.g., by sealing the middle branch's cup. Perhaps now that there are only six functional branches, it is fine.
22. According to the Chacham Tzvi, who holds it is fine if one lights fewer or more than seven flames (above, 19), obviously making one branch useless would make it into a six-branch menorah and it would be fine. Some poskim explicitly say that if one would seal one of the cups on top so that oil cannot be poured in, all would agree it is fine, even for a menorah made out of a metal other than gold. The word menorah comes from the word ner, which refers to the oil receptacle. Without oil receptacles, the seven branches cannot even be called a menorah (שו"ת מהרש"ם ח"ג סי' נ"ד, שו"ת להורות) (נתן ח"ג סי' מ"ח).
23. Some stipulate that one of the branches must be sealed off in such a way that it cannot be opened, e.g., by pouring tin or lead inside or attaching a silver plate over the opening so that no oil at all can be poured in (מהרש"ם שם).
24. Some also prefer the seal to be somewhat raised so everyone can see that there is no hole and seven flames cannot be lit (שם). If the middle branch has some sort of ornament on it and cannot be lit, one can be meikel even if there are three branches on either side (מו"ר מרן גאב"ד ירושלים).

### Is the Issur to Produce, Use, or Own It?

25. **Production.** The poskim also discuss if the issur is only to produce such a menorah, not to use one that someone else made. Some want to say this depends on the source of the issur: if the issur to make such a menorah is from "לא תעשון אתי" (above, 2), it would not be a problem if someone else made it. If the source of the issur is "ומקדשי תיראו" (above, 3), it is likely assur even to use it, and perhaps even just to own it (מעדי"ט ח"ו סי' ז').
26. Some hold that one may use a seven-branch menorah made by a non-Jew (תפארת למשה הובא בפתח"ת יו"ד סי' קמ"א סק"ב).
27. However, others hold that one may not use such a menorah even if it was made by someone else or a non-Jew (מהר"ם שיק על ס' המצוות) (ריטב"א ע"ז מ"ג, ד"ה אכסדרה, מאירי שם ד"ה בית המקדש).
28. **Keeping.** Some write that in addition to making such a menorah, even owning it is an issur d'oraisa (ביהגרי"א יו"ד קמ"א סק"א בשם מהר"ם) (מרוטנבורג) or at least d'rabanan to prevent people from producing them (ביאור הגר"א לפי תוס והרא"ש, מנחת פתים יו"ד סי' רכ"ח סכ"ה ד"ה ובנדון).

### Seven-Branch Chandelier

29. The poskim discuss whether the issur is only to make a menorah with a base that stands on the floor or a table, or even a chandelier that is suspended from the ceiling. One posek was machmir, at least for himself (מ"ז) (רע"א הובא באגרות רע"א סי' מ"ז), but the consensus of the poskim is that it is mutar. Since it is suspended and has no base or central shaft, it is not a problem of a seven-branch menorah (שו"ת ר' חיים הכהן רפפורט הובא בדרכ"ת סי' קמ"א סק"ג, שבט הלוי ח"ו סי' קכט).

### In a Shul

30. The issur to make or own a seven-branch menorah also applies to a menorah at the amud or bimah of a shul. Many years ago, a seven-branch metal menorah was made for a shul in Yerushalayim. The city rabbanim forbade keeping it; they instructed that another branch be added immediately (חיד"א בשיורי ברכה הובא בפתח"ת סק"ב).
31. **Wood.** There is a seven-branch menorah in front of the amud in the Alexander beis medrash in Boro Park, but since it is wood, it is mutar (above, 18).

### Oil Dish with Seven Wicks

32. There is no issue to light Shabbos candles in an oil dish with small metal pipes around the opening that hold wicks even if there are seven pipes. This is not called a menorah since there are no branches and there is only one oil receptacle (מ"ר בשו"ת שבט הקהתי ח"ו סי' רצ"ט).

### Electric Menorah

33. Some poskim allow making a seven-branch menorah with electric lights since it does not resemble the Menorah in the Beis Hamikdash (עי' גליונות מעדי אשר יתרו שנת תשס"ו). However, since one can easily light wax candles or oil in the menorah's cups, one should be machmir on this potential issur d'oraisa (שו"ת חבלים) (בנעימים ח"ג סי' נ"ד, חיי הלוי ח"ז סל"ז אות ז).

### Raised Picture of Seven-Branch Menorah

34. **Building.** One may create a raised, decorative picture of a seven-branch menorah even if it looks just like the Menorah since it is not used for lighting flames. This is certainly true if it is made out of stone, lime, or plaster – these are no worse than clay or wood, which are no problem (שו"ת חלקת יעקב יו"ד סי' נ"ד, חוט שני ענן רמ"א). [There is a depiction of a seven-branch menorah on the outside of the impressive beis medrash building in Kiryat Belz in Yerushalayim (on the Rechov Kedushas Aharon side). As mentioned, this is no problem.]
35. **Coin.** Similarly, one may keep a coin with a depiction of a seven-branch menorah [as appears on the 10-agorot coin] since this menorah cannot be lit (מו"ר בשו"ת שבט הקהתי ח"ג סי' רל"ב).

### מקה טעות with the Claim of

#### מקה טעות

36. Since many people do not know this halachah, it sometimes happens that a person buys a leichter with seven branches in a circle or six branches plus one in the middle without knowing that most poskim say this is assur – perhaps even d'oraisa. Can one return this purchase to the store with the claim of an invalid sale? Even though there is no defect in the leichter itself, its existence and use involve an issur, and there is no greater defect than that.

#### Nullifying a Sale of a Safeik Treifah

37. If a person buys an animal and it turns out it is a safeik whether it is halachically a treifah, even though it is only assur because it is a safeik, the buyer can nullify the sale (רמ"א חו"מ סי' רל"ב ס"ב). Even if it is only assur due to a chumra of the Geonim, or even some other chumra (נתיבות שם סק"ב), one can nullify the sale (סמ"ע שם סק"ה). Even if the buyer already paid, the seller must return the money since the buyer cannot eat the animal due to the safeik, and had he known it was a safeik treifah, he would not have bought it (ש"ך, תקפו כהן סי' קכ"ט).

#### מקה טעות with a Seven-Branch Menorah

38. In our case, since most poskim hold there is an issur d'oraisa to keep a seven-branch menorah in one's possession – or at least an issur d'rabanan so that people do not think he made it (above, 28) – a buyer can return it to the store with the claim of an invalid sale and get his money back. If he already used it, he must pay the seller for his use so as not to violate ribbis (מעדיני יום טוב ח"ו סי' ז).
39. If it is already somewhat worn and clear that it is used, he can return it and receive the value of the silver contained within.

#### Request to Silver Leichter Manufacturers

40. As we cited, the consensus of the poskim is that there is a potential issur d'oraisa to make a seven-branch leichter, and many people are unaware of this. Additionally, there is a widespread minhag to light a candle for each child in the family. This creates demand for seven-branch leichters from families with either seven or five children [seven members of the family with the parents]. Nevertheless, since people do not know this is an issur, manufacturers and stores should prevent others from violating the issur. There is also a good chance that buyers will return these leichters after finding out there is an issur, and the store will have to reimburse them for the invalid sales, as mentioned above. Thus, it is better not to produce them in the first place.
41. If there is a need for a leichter with seven flames, it can be made with eight branches with the middle one serving as an ornament that is either fixed or screwed on (see 24 above) to avoid causing people to violate a little-known issur.

לקיים בנו חכמי ישראל,  
לאור חולשה יתרה ששרוי בו,  
העולם מתבקש לעורר רחמי שמים מרובים לרפואת  
רבינו הגדול כ"ק  
מרן גאב"ד ירושלים שליט"א  
רבי יצחק טוביה בן ריקל  
בתוך שאר חולי ישראל

נתרם ע"י ידידנו הרה"ח ר' חיים שמואל שפיגלמאן הי"ו  
מיקירי ירושלים עיה"ק לרגל לידת בתו זעלדא ביילא שתחי'  
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שייכו לגדלה לתורה לחופה ולמעש"ט ונחת דקדושה