



FROM THE RABBIS' DESK / דברי חכמים

MOVING ORCHIDS & OTHER POTTED-PLANTS ON SHABBAT

Featured question asked to the SHC.

Q: We often adorn our house with orchids. Is it permissible to move them aside on Shabbat?

A: Yes. However, one may not place them near a dirt floor or near sunlight in order to benefit them. There is a distinction in Halacha between a punctured potted-plant (עציץ נקוב), which can absorb the earth's nutrients and is considered to be fully attached to the ground, thus, placing it on the ground is considered to be planting (זורע) and removing it from the ground is considered to be harvesting [1] (קוצר). An un-punctured potted-plant (עציץ שאינו נקוב) on the other hand, is considered to be detached from the ground and may be removed from or placed on the ground.

However, the Rishonim [2] argue whether wood or clay pots can absorb despite being un-punctured. Therefore, Maran [3] is stringent, ruling that one may not even place an un-punctured potted-plant on the ground nor remove it from the ground. It would seem that Maran would agree that there is no issue with placing a plastic un-punctured pot on the ground [4] (if some of the leaves grow out of the pot's parameter, some Poskim forbid placing it on the ground [5]).

Most Aharonim also understand that it is permissible to carry any potted-plant – punctured or not – if there is no concern of planting or harvesting, i.e. from the table to the counter [6]. The Ohr L'Tziyon [7] explains that because the plant is a decoration it is not Muktzeh. Moving the plant to a sunny place so it can grow better is forbidden mid'rabannan [8].

SOURCES:

- [1] שבת פ"א ע"ב [2] רש"י ותוס' גיטין ח' ע"א [3] א"ח סי' ס"ח, כפי הבנת רעק"א, כ"ה ח ועוד [4] מנחת אברהם ח"ב פ"ד סי' מסברת נפשית, וכן ראיתי בשו"ת דברי שמואל ארדיטו א"ח סי' יג לענין עציץ זכוכית. ויש לזיז בוזוכית דמבואר בשבת ס"ו שהוא כעין כלי חרס [5] גן המלך סי' ק"ה, ח"א כלל י"ב דין ב', אנ"ט קוצר סי' ק"ח, כ"ה ח' סי' שלו"ג א' ועוד אחרונים. ובמנחת אברהם שם הערה 22 צריך כמה דיעות להקל בה, ע"ש. עוד דנו כמה אחרונים בקרקע מורגפת אבנים או עצים מה דינה. והאול"צ ח"ב פכ"ו סי' נקט לקולא במורגפת אבנים. וכו' מה שאין להחמיר היכא שרק מעבירו ע"ג הקרקע המורגפת אפ"ל להחמירים, וכמ"ש בילקי"י ס"ר סי' שלו"ע ע"ש. [6] פל"ג א' א' אות ט"ו ועוד, ורצה הפל"ג שם לתלות את זה במח' אחרונים, ע"ש. ויש להעיר דמשמעות הפס' והכה"ח וש"א היא רק להקל לצוננו"ט, ולכן לא הקלטו כאן להדיא, אך לטעמיה הדאול"צ לכא' אפשר להקל לטעמו אפ"ל שלא יגוב (דמחמה לכא' אפשר דחשוב קצת בוריעה ע' הערה 8) [8] מנחת אברהם ח"ב פ"ג סי' פ"ג הערה 63 בשם שו"ת הר צבי סי' ריא ויח"ד ח"ה סי' כ"ט, ורק היקל אם עושה בדרך שאינה מוכחה, ע"ש הערה 73.



For Halachic guidance, questions, or services, call 1.844.200.TSHC or text 732.9300.SHC

A BIT OF HISTORY / דברי הימים

HAHACHAM HAKOLLEL: MARAN RIBBI HAYIM PALACHI זצ"ל

Ribbi Hayim Palachi זצ"ל – or as he is affectionately referred to as מרן – was one of the most well-known and prolific Torah giants of the 19th century. Ribbi Hayim was born in 1788 in Izmir (Smyrna) – a thriving city with a prominent and scholarly Jewish community in the Ottoman Empire – into a family of respected Hachamim. His father, Ribbi Yaakov Palachi זצ"ל, was the head of Yeshivat Bet Yaakov Rabi, and his maternal grandfather, who taught him much of his Torah during his early years, was Ribbi Refael Yosef Hazan זצ"ל, the Rishon L'Tziyon and author of the monumental work Hikre Lev.

Studying under his legendary grandfather, as well as Hacham Yitzhak Gatenyo (author of Bet Yitzhak) and Hacham Yitzhak Navaro (author of Lev Mevin), the young Ribbi Hayim did not waste any time, as he writes in one of his sefarim: "I can attest that until reaching twenty years of age, I did not disrupt my study for even one moment." Ribbi Hayim got married at 20 years old and continued studying Torah diligently, earning the rare title of HaHacham HaShalem – the complete Hacham – from his grandfather at the young age of 29.

Despite his reputable scholarship, Ribbi Hayim refused to accept any public rabbinic position during his father's lifetime. After Ribbi Yaakov's passing, Ribbi Hayim joined the Bet Din of Izmir, ascending to the position of Av Bet Din ten years later and ultimately becoming the Hacham Bashi – the chief rabbi of the Ottoman Empire – a position backed by the Ottoman Sultan, granting Ribbi Hayim tremendous executive authority.

Ribbi Hayim used his authority to institute laws and taxes to protect and support the widows and orphans of Izmir. Ribbi Hayim

established a "mandatory education law" which did not allow parents to pull their children out of school before they were well versed in basic reading and Tefillot, and forbidding the employment of children who were considered by especially assigned supervisors to require more schooling. With the help of renowned philanthropists Sir Moses Montefiore and Baron Binyamin Rothschild, Ribbi Hayim also established a hospital in the city. Perhaps the most powerful example of Ribbi Hayim's influence and dedication to the Jewish community was the infamous "Damascus Affair", a medieval-style blood libel which threatened to destroy the Jewish community in Damascus and the surrounding region in the year 1840. Upon the disappearance of a Christian monk and his Muslim assistant, allegations were made that the Jews were behind their murder for the purpose of "ritual matzah baking". The French were all-too eager to believe in these baseless accusations and a full-fledged pogrom unfolded. Community leaders and Hachamim endured unspeakable torture, the Jewish dead were dug out of their graves and many were brutally killed.



Sir Moses Montefiore ע"ה

to diffuse the situation. Ribbi Hayim Palachi's enormous influence was instrumental in mobilizing Sir Moses Montefiore and Sir Baron Rothschild,

CONTINUED ON PAGE 4

A FINAL WORD / סוף דבר

FOOD FOR THOUGHT

As the Jewish people trek further away from Mitzraim, they start complaining to Moshe and Aharon about the lack of food. Hashem promises to shower them with "bread from the heavens" – the Man, and the verse adds: למען אנסנו לא – and thus I will test [the nation], will it follow my Torah or not... How does the Man, a heavenly delicacy, test the Jewish people's ability to conform to Hashem's laws?

Hacham Sasson Mordechai זצ"ל, the revered 19th century sage from Baghdad, in his classic Mussar work "Kol Sasson" cites the Gemara in Makkot 24a which states that the prophet Havakuk distilled all of the Torah's commandments into one imperative: "צדיק באמונתו יחיה" – "a righteous man shall live by his faith". Most sins, says Hacham Mordechai, are a result of one's lack of faith and trust in Hashem. When a person forgets that Hashem guarantees his needs and livelihood, he panics to try and fend for himself, sometimes resorting to bribery, lies, theft, lashon hara or other wrongdoings. If one wants to remain faithful to the Torah and its commandments, and not be tempted by the seeming effectiveness of sin, one must strengthen their faith and internalize that everything is in Hashem's hands.

This was the ultimate test served with the Man. If the Jewish nation would be strong enough to trust Hashem with their families' daily sustenance, then



they will surely be strong enough to withstand sin and unethical behavior. Indeed, those who weren't ready just yet, tried breaking the rules by seeking the Man on Shabbat or saving Man from one day to the next, defying Moshe's orders. They were fortunate to see first-hand that Hashem undeniably provides for every being with benevolence and precision. We too can rest assured that we are in Hashem's hands and strengthen our Emunah and Bitahon – the pillar of our commitment to Torah and Mitzvot.

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D'VAR HASHEM דבר השם זו הלכה

This month's issue is dedicated by DR. & MRS. MORRIS ANTEBI in loving memory of Ezra & Grace Antebi A"H and in memory of Yacub Bilmen O.B.M.

WHAT'S IN A WINE

THE BERACHA & KASHRUT OF WINE

By: Rav Mordechai Lebhav | Rosh Kollel Link LA and author of Sefer Magen Avot

Many people have adopted the custom to conduct a "Seder" on Tu BiShvat, which includes serving the fruits of Shiv'at HaMinim and new fruits as well as drinking four cups of wine. This custom is based on the Sefer Hemdat Yamim [1] which compiled this unique Seder Tu BiShvat and all of the various recitations that one would make before eating the fruits and drinking the wine. The day of Tu BiShvat is a perfect opportunity to review some of the fascinating questions that arise with regards to the Kashrut of wines, as well as other issues.

DILUTED WINE, THEN AND NOW

The Gemara in Bava Batra [2] discusses the status of water that is added to wine dregs (sediments). The Shulhan Aruch [3] cites the conclusion of the Gemara that as long as the dregs constitute at least 1/5th of the mixture, it is considered wine. The Rama comments that even if 1/7th of the mixture is wine it is still considered to be wine and its Beracha would be HaGefen.

The Kaf HaHayim and Hacham Ovadia Yosef ז"ל take issue with this Rama. They contend that in earlier times wine was far more potent, and therefore even after adding 6 more parts of water it would still be considered wine. However, nowadays our wines are not as strong, and thus



one would need at least more than half the result mixture to be original grape juice in order to be able to recite HaGefen [4]. Furthermore, Hacham Ben Zion Abba Shaul [5] suggests that with regards to grape juice – even if a minute amount of water was added – if it's enough to dull its taste, it would lose the Beracha of HaGefen.

THE DIFFERENCE BETWEEN WINE AND GRAPE JUICE

Indeed, Rav Shlomo Zalman Auerbach זצ"ל and others [6] suggest that the amounts discussed by the Shulhan Aruch and Rama would only apply to wine, but in the case of grape juice, no significant amount of water (even more than 10%) may be added. Rav Shlomo Zalman reasons that grape juice merits the Beracha of HaGefen only because of its potential to ferment and turn into wine (as we shall explain later on), and since the Beracha of HaGefen on grape juice is in itself a big Hiddush (novel concept) – we cannot expand it further to include diluted grape juice.

On the other hand, the Minhat Yitzhak [7] CONTINUED ON PAGE 3

BUSINESS HALACHA / דבר המשפט

NEVER MIND: NON-VERBAL COMMITMENTS IN HALACHA

By: Dayan Shlomo Cohen | Dayan at Ahavat Shalom, Jerusalem and Author of "Pure Money"

GOOD WILL

Reuven was owed a thousand dollars by his dear friend, Shimon. The debt was already a year old, and Reuven knew that Shimon was having trouble paying it back. Reuven's business was thriving,

and he thought to himself to do Shimon a favor and forgo the debt.

Later that day, Reuven received a phone call from his accountant giving him the good news that sales were up by over 20% this year, and that

INSIDE THIS ISSUE

Baruch Hashem, our last issue of the "D'var Hashem", the Sephardic Halacha Journal, was received with great enthusiasm, underscoring the tremendous thirst for the word of Halacha in Sephardic communities nation-wide. In this issue, which is being published in time for Tu BiShvat, we centered our focus on the Halachot of Berachot and other related topics. Our feature article, by Rav Mordechai Lebhav א"ש – a leading Posek and author – examines the various implications of today's wine-making process on the laws of Berachot and Kashrut. On page 2, we discuss the possible issues relating to potted-plants on Shabbat, as well as draw inspiration from the life of Maran HaHafiz – the saintly Ribbi Hayim Palachi זצ"ל – who's yahrzeit is on the 17th of Shevat. On page 3, we feature relevant Berachot questions and answers, asked to HaRav Shmuel and Rav Moshe Pinhasi א"ש. For our front page business Halacha article, Dayan Shlomo Cohen א"ש – Dayan at Ahavat Shalom, Jerusalem and author of the popular book: Pure Money – deals with non-verbal commitments and their weight in Halacha. It is our sincere Tefilla that this journal enhances our readers' understanding and commitment to Torah study and Halacha.

B'Virkat HaTorah, Rabbi Ariel Ovadia



there was going to be a nice surprise for Reuven at the bottom line.

At that moment, Reuven decided that he would give 10% of his profits to the Torat Hashem

CONTINUED ON PAGE 4

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